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Nos. 05-908 & 05-915

Supreme Court, U.S.
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In The Supreme Court of the United States

PARENTS INVOLVED IN COMMUNITY SCHOOLS,

Petitioner,

v.

SEATTLE SCHOOL DISTRICT NO. 1, et al.,

Respondents.

CRYSTAL D. MEREDITH, Custodial Parent and Next Friend of JOSHUA RYAN MCDONALD,

Petitioner,

v.

JEFFERSON COUNTY BOARD OF EDUCATION, et al.,

Respondents.

On Writs Of Certiorari To The United States Courts Of Appeal For The Ninth And Sixth Circuits

BRIEF OF 553 SOCIAL SCIENTISTS AS *AMICI CURIAE* IN SUPPORT OF RESPONDENTS

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INTEREST OF *AMICI CURIAE*

Pursuant to Supreme Court Rule 37, the undersigned social scientists submit this brief as *amici curiae* in support of Respondents Jefferson County Board of Education, et al. (No. 05-915) and Seattle School District No. 1, et al. (No. 05-908).[1]

Amici curiae are social scientists and scholars who have extensively studied issues related to school desegregation, diversity and race relations in K-12 schools. Collectively, *amici* include 553 researchers from 42 states and the District of Columbia and 201 different educational institutions and research centers throughout the United States, extending across numerous disciplines, including education, psychology, sociology, economics, political science, and history.[2]

Amici have an interest in presenting to the Court research findings that address the educational considerations that local school boards take into account as they design and implement student assignment policies. To present the Court with this research – which bears directly on whether the student assignment policies at issue satisfy constitutional scrutiny – *amici* prepared a social science statement summarizing the evidence. The statement is appended to this brief. The body of this brief highlights the key research findings.

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[1] All parties have filed with the Court their blanket consent for the filing of *amicus curiae* briefs in these cases. Pursuant to Supreme Court Rule 37.6, counsel for *amici curiae* certifies that this brief was not written in whole or in part by counsel for any party, and that no person or entity other than *amici curiae* or their counsel has made a monetary contribution to the preparation or submission of this brief.

[2] A list of *amici* is included in the Appendix. Institutional affiliation is provided for identification purposes only and does not reflect the views of the institution.

SUMMARY OF ARGUMENT

The body of research that has developed since the Court declared government-sanctioned school racial segregation unconstitutional in *Brown v. Board of Education*, 347 U.S. 483 (1954), supports three interrelated conclusions: (1) racially integrated schools provide significant benefits to students and communities, (2) racially isolated schools have harmful educational implications for students, and (3) race-conscious policies are necessary to maintain racial integration in schools.[3] *Amici* submit that these research findings are relevant and supportive of the educational judgments that underlie the student assignment policies at issue in the instant cases.

Racially integrated schools prepare students to be effective citizens in our pluralistic society, further social cohesion, and reinforce democratic values. They promote cross-racial understanding, reduce prejudice, improve critical thinking skills and academic achievement, and enhance life opportunities for students of all races. These benefits are maximized when schools are structured in ways that optimize intergroup contact. Communities also benefit from a potential workforce that is better prepared for a global economy, reduced residential segregation, and increased parental involvement in schools – all of which increase the stability of communities.

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[3] As noted in the appended statement, desegregation generally describes the creation of schools containing substantial percentages of students from two or more racial or ethnic groups. Integration refers to the positive implementation of desegregation with equal status for all groups and respect for all cultures.

While there are examples of academically successful schools with high concentrations of nonwhite students, more often than not, segregated minority schools offer profoundly unequal educational opportunities. This inequality is manifested in many ways, including fewer qualified, experienced teachers, greater instability caused by rapid turnover of faculty, fewer educational resources, and limited exposure to peers who can positively influence academic learning. No doubt as a result of these disparities, measures of educational outcomes, such as scores on standardized achievement tests and high school graduation rates, are lower in schools with high percentages of nonwhite students.

Race-conscious student assignment policies are necessary to maintain racially integrated schools. Evidence shows that choice assignment policies that do not consider race as a factor in student assignments tend to result in racially homogeneous schools or lead to greater segregation; race-neutral policies that rely on socioeconomic status are not as effective in attaining racial diversity; and school districts that have eliminated race as a consideration in student assignment policies have experienced resegregation and the harmful consequences associated with racially isolated schools.

ARGUMENT

I. THE RESEARCH FINDINGS PRESENTED IN THE APPENDED SOCIAL SCIENCE STATEMENT SHOULD INFORM THE COURT'S ANALYSIS.

The Court should consider the relevant research findings discussed herein and in the appended social science statement in its evaluation of the local school districts' student assignment policies. In *Brown v. Board of Education*, 347 U.S. 483, 494 n.11 (1954), the Court cited with approval the research presented in the social science statement submitted in the case. Since *Brown*, the Court has turned to social science research in school desegregation cases. *See, e.g., Freeman v. Pitts*, 503 U.S. 467, 495 (1992). Recently, in *Grutter v. Bollinger*, the Court made clear that scientific evidence can play a significant role in shaping the answers to core questions of constitutional analysis. 539 U.S. 306, 330-31 (2003).

The extensive body of research evidence that has developed since the Court's decision in *Brown* documents the benefits of racial integration and elaborates on the harms associated with racial isolation in K-12 education. Evidence also shows the effectiveness of various policies in maintaining racial integration. This research supports the determination that the school boards have a compelling interest to promote racial integration and prevent racial isolation through choice-based school assignment policies that consider race as a factor.[4]

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[4] *Amici* are aware of two *amici curiae* briefs in support of petitioners that present opposite conclusions. *See* Brief of David J. Armor, Abigail Thernstrom, and Stephan Thernstrom as *Amici Curiae* in Support of Petitioners; Brief of *Amici Curiae* Drs. Murphy, Rossell and Walberg in Support of Petitioners. *Amici* do not intend to address the

(Continued on following page)

II. RACIALLY INTEGRATED SCHOOLS PROVIDE SIGNIFICANT BENEFITS FOR STUDENTS AND COMMUNITIES.

As the Court recognized in *Brown*, education "is the very foundation of good citizenship" and "a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment." 347 U.S. at 493. For schools to realize this purpose, they must prepare students with the knowledge and skills needed to succeed in our increasingly diverse society. The realization of these goals depends not only on preparing students academically, but in promoting cross-racial understanding and tolerance among all groups and improving the life opportunities of all students. Policies that promote these skills and opportunities in turn foster social cohesion and reinforce democratic values in our diverse citizenry.

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specific arguments in those briefs except to note that they rely on highly selective studies and outdated research to support their conclusions. For specific criticisms of the Armor et al. and Murphy et al. *amici curiae* briefs, see Brief of the American Educational Research Association as *Amicus Curiae* in Support of Respondents (discussing incomplete analyses of the research literature, flaws in methodological critiques, and reliance on studies that are outdated or inconsistent with more recent research findings).

A. Racial Integration Promotes Cross-Racial Understanding and Reduces Racial Prejudice.

Positive interactions with individuals of different backgrounds in integrated school settings provide important experiences necessary to promote cross-racial understanding and reduce racial prejudice and bias. Recent studies have revealed that students who have greater levels of interracial contact have more tolerant and inclusive viewpoints about individuals of different racial groups than students who have less interracial contact. Students who have greater levels of intergroup contact are also more likely to evaluate exclusion of individuals on the basis of group membership as wrong and harmful. Greater levels of contact among different groups are thus typically associated with lower levels of intergroup prejudice and larger reductions occur when optimal conditions for intergroup contact are established. App. at 3-4, 7-11.

Cross-racial experiences are highly valued by students and teachers. A majority of high school students in racially diverse school districts, including students in the Seattle and Jefferson County school districts, have reported that interracial schooling experiences have been valuable and have made them better prepared to live and work in diverse communities. Likewise, a majority of teachers with experience in racially integrated schools have reported the benefits of diversity for student learning, as well as for productive economic and civic participation in society. The opportunities to learn and develop in multiracial settings are particularly valuable for white

students, who, on average, are in the most racially isolated neighborhoods and schools. App. at 5-7.

Schools are better able to achieve these benefits when they create racially integrated environments that allow for direct interaction among individuals from different races. Programs that rely on the transmission of information about other groups rather than on direct interaction may have some positive short-term effects, but studies show that they have minimal impact on the long-term behavior of students. App. at 4-5.

B. Racial Integration Improves Critical Thinking Skills and Academic Achievement.

Learning in racially integrated classrooms, where students have different backgrounds and experiences that inform the perspectives they share in class, promotes complex thinking. Because students of different races and ethnic backgrounds often bring different cultural knowledge and social perspectives into school, classrooms with racially diverse students are more likely to enhance critical thinking by exposing students to new information and understandings. Both experimental and field studies in higher education, for example, have concluded that interactions with a diverse group of students can lead to higher and deeper levels of thinking. App. at 12-13.

Longstanding research on academic achievement has concluded that there are modest positive effects on the achievement levels of African American students who attend desegregated schools. App. at 13-17. Although the impact of desegregation on achievement varies based on context, the positive effects appear stronger for younger

students, and when desegregation is voluntary, as is the situation in these cases. App. at 14. Recent reviews of the more limited literature on the academic achievement of Latino students in desegregated schools suggest that there can also be modest positive gains for Latinos' achievement in desegregated schools. App. 17-18. Because widespread but unfounded beliefs about racial inferiority may significantly hinder minority students' achievement, the reduction of negative stereotypes that can occur in racially integrated schools may have a positive psychological impact that improves black and Latino students' academic performance. App. at 18-19. Additionally, studies have confirmed earlier findings that school desegregation has had little or no measurable negative impact on the test scores of white students. App. at 19-20.

C. Racial Integration Improves Life Opportunities.

Research shows that racially integrated schools improve students' life opportunities, particularly for nonwhite students. Attendance at desegregated schools, for example, is associated with higher graduation rates from high school by minority students. App. at 20. Minorities who graduate from integrated schools are also more likely to have access to the social and professional networks that have historically been available to white students and can provide additional information about college-going opportunities and access to professional jobs. App. at 21.[5] Thus, minorities who graduate from integrated schools also tend to earn higher degrees and major in

[5] *See, e.g., Sweatt v. Painter*, 339 U.S. 629, 634 (1950) (recognizing the importance of networks for occupational success).

varied disciplines, such as architecture and the sciences. App. at 21-22. Labor market studies have also found that African Americans who attended desegregated schools have higher incomes than their peers in segregated schools. App. at 22-23.

Studies also reveal that students of all racial and ethnic groups who attend more diverse schools report an increased sense of civic engagement than do their more segregated peers. App. at 23-24.

D. Racially Integrated Schools Better Prepare Students for a Diverse Workforce, Reduce Residential Segregation, and Increase Parental Involvement in Schools.

In addition to offering benefits that accrue to students, racially integrated schools have been shown to have positive effects for communities. Studies have shown that positive experiences in racially integrated classrooms can make it more likely that individuals will bring fewer racial stereotypes into the workplace and will work more productively with individuals of other races. App. at 24. The U.S. military has found that policies that encourage the participation and leadership of African Americans are essential for the effective functioning of the military in a multiracial society. App. at 24-25.

Recent studies have also shown that school integration can help reduce residential segregation. In particular, research demonstrates that when fully implemented, especially across large geographic areas such as counties, school desegregation can lead to more integrated residential patterns. White households are less likely to leave racially mixed areas if they are confident that their children will continue to attend integrated schools. App. at 25-27.

Research further shows that desegregated school systems tend to have higher levels of parental involvement, which may be due to the fact that there are greater incentives for all residents, regardless of race or class, to commit their resources to the success of the school system as a whole in districts where schools are racially integrated. App. at 27-28.

III. RACIALLY ISOLATED MINORITY SCHOOLS HAVE HARMFUL EDUCATIONAL IMPLICATIONS FOR STUDENTS.

In *Brown*, the Court recognized the significant psychological and educational harms caused by racial segregation in public schools. 347 U.S. at 494. Research findings since *Brown* have substantiated this conclusion and demonstrated that segregated minority schools offer profoundly unequal educational opportunities for students, which lead to lower educational outcomes.

A. Racial Isolation is Associated with Higher Teacher Turnover and Lower Teacher Quality.

The central role that teachers play in influencing student learning means that numerous educational outcomes, including student achievement, are adversely affected by problems of teacher retention. Research demonstrates that teachers are more likely to leave predominantly minority schools than integrated or predominantly white schools, resulting in teacher turnover in minority schools. Race has been shown to be the driving factor in predicting teacher mobility, more so than working conditions and student poverty, and these patterns persist even when accounting for teacher salary. App. at 31. Due in part

to higher teacher turnover, African American and Latino students in predominantly minority schools typically have a greater proportion of teachers who are inexperienced and have lesser qualifications.[6] App. at 32-33.

B. Racially Isolated Schools Have Concentrated Educational Disadvantages.

Research consistently shows that schools with higher percentages of minority students have fewer educational resources, such as larger class sizes, inadequate facilities, and lower per-pupil spending. Research also shows that curricular resources, including honors and Advanced Placement courses, are not equally available at schools serving large percentages of minority students. Segregated minority schools are often located in neighborhoods with high poverty and crime rates, which also negatively influence a broad range of educational factors. App. at 33-34.

C. Racial Isolation Limits Exposure to Peers Who Can Positively Influence Academic Learning.

Research shows that students from families with higher socioeconomic status typically bring educational advantages that improve the achievement of all students in the classroom. App. at 35-36. Because poor black and Latino students are statistically more likely to attend a

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[6] The No Child Left Behind Act (NCLB) of 2001 recognizes the importance of teacher quality for improving student achievement. *See* 20 U.S.C. § 6319(a) (requiring "highly qualified" teachers in every classroom). Additionally, NCLB requires that states develop a plan to ensure "that low-income students and minority students are not taught at higher rates than other students by inexperienced, unqualified, out-of-field, or inexperienced teachers." 20 U.S.C. § 6312(c)(1)(L).

school of concentrated poverty than poor white students – a fact that is driven by race, beyond the influence of class (App. at 29-30) – racially segregated minority schools are less likely to have students from higher socioeconomic backgrounds than schools with higher percentages of white students. App. at 35-37.

D. Racial Isolation is Associated with Lower Educational Outcomes.

As a result of teacher and resource disparities, students in segregated minority schools have lower academic outcomes. App. at 37-38. Research shows that minority isolation is a significant predictor of low graduation rates, even when holding constant the effects of other school performance indicators. App. at 38-39. Further, studies show that students in predominantly minority schools are less likely to graduate from college, even when factoring in students' prior test scores and socioeconomic status. App. at 39-40. Because of the growing number of minority students in public schools, if existing educational trends continue, the nation risks something it has never before seen: an intergenerational decline in its educational level, a threatening outcome in a knowledge-based, global economy. App. at 40.

IV. RACE-CONSCIOUS STUDENT ASSIGNMENT POLICIES ARE NECESSARY TO MAINTAIN RACIALLY DESEGREGATED SCHOOLS.

Research further supports the conclusion that race-conscious policies are necessary to maintain racial integration. In particular, studies have shown that race-neutral policies are not as effective as race-conscious policies in achieving racial diversity. Moreover, resegregation typically

results when school districts do not maintain race-conscious policies in previously desegregated school systems.

A. Race-Neutral Choice Policies Have Led to Racial Isolation and Greater Segregation in Schools.

Research has demonstrated that, without plans or specific guidelines designed to achieve racial integration, "uncontrolled" school choice or geography-based student assignment plans tend to accompany racially homogeneous schools and lead to greater segregation. App. at 41-43. Evidence shows that managed choice assignment policies that consider race as a factor, however, tend to result in racial diversity and maintain integration over time. App. at 43-44. Studies also suggest that denying some students the opportunity to attend their first-choice school through a lottery assignment system may not negatively affect their academic achievement. App. at 44.

B. Race-Neutral Policies that Rely on Socioeconomic Status are Less Effective than Race-Conscious Policies in Attaining Racial Diversity.

Plans that integrate schools by family socioeconomic status are also an inadequate means to achieve racial desegregation. Statistical analyses evaluating whether income-based integration plans in the nation's largest school districts would create racially integrated schools found that income-based plans based on student school-lunch eligibility would have little or no effect in producing racial integration. App. at 48-49. One of the main difficulties is that the only measure of socioeconomic status that schools have is students' free-lunch status which is a dichotomous measure that fails to adequately

capture the wide variation in family economic status. App. at 46. Even if a more adequate measure could be developed, which would require highly intrusive questions about a family's economic situation, the fact remains that while race and class are often strongly correlated, they are not perfectly correlated, and in some cases are not correlated at all. App. at 47-48. Indeed, studies evaluating the actual implementation of socioeconomic integration plans have found that they have had mixed results in maintaining racially diverse schools. App. at 48-50, 53-54.

C. School Districts that No Longer Consider Race in Their Student Assignment Policies Have Experienced Resegregation and Its Harmful Consequences.

Research on school districts that were formerly under desegregation orders reveals that eliminating race from consideration in student assignments has been associated with resegregation and an array of harmful effects on students. Research from the Charlotte-Mecklenburg system, for example, shows that after the district was declared unitary and it implemented race-neutral, neighborhood-based student assignment in August 2002, there was a substantial increase in school segregation within the district, accompanied by declines in academic achievement. App. at 51-52. Similar results have been found in Denver and San Francisco, which have also ended the use of race-conscious policies. App. at 52-54. These results are not surprising given that research had already documented similar patterns of resegregation and achievement declines in Norfolk, Virginia and Oklahoma City. App. at 50-51.

CONCLUSION

For the foregoing reasons, the judgments of the Courts of Appeals upholding the constitutionality of the student admissions policies designed by local education authorities in the Jefferson County and Seattle school districts should be affirmed.

Respectfully submitted,

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APPENDIX

STATEMENT OF AMERICAN SOCIAL SCIENTISTS OF RESEARCH ON SCHOOL DESEGREGATION

In the 52 years since *Brown v. Board of Education* was decided, social science research has expanded our knowledge about the positive effects of racially integrated schools. Studies document how racially integrated schools provide students with opportunities to learn and develop in multiracial settings while preparing them to live and work in multiracial communities and institutions as adults. This preparation remains an important component of education in our increasingly diverse society. As the Court acknowledged in *Brown*, schools are the "very foundation of good citizenship" and "a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment."[1] Decades of research have also substantiated *Brown's* conclusion that racially segregated schools are likely to deprive students of an equal opportunity to learn.[2] In a nation where the minority population has tripled since the *Brown* decision, the consequences of segregation are all the more serious, and empirical evidence shows that, for many American communities, sustaining integrated schools is difficult

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[1] *Brown v. Board of Education*, 347 U.S. 483, 493 (1954).

[2] Walter Stephan, "School Desegregation: An Evaluation of the Predictions Made in Brown vs. Board of Education," *Psychological Bulletin* 85 (1978): 217-38; Walter Stephan, "The Effects of School Desegregation: An Evaluation 30 Years After *Brown*," in *Advances in Applied Social Psychology*, ed. Michael J. Saks and Leonard Saxe (New York: Erlbaum, 1986): 181-206.

without specific policies designed to achieve or maintain them.[3]

This statement summarizes a large body of research and draws justifiable conclusions from the available scientific evidence. It reflects the consensus of the hundreds of undersigned researchers, who are authorities in fields relevant to the issues discussed here. We submit this statement to aid the Court's understanding of the student assignment policies that the local school districts in the cases before the Court have voluntarily adopted to further educational goals. We present research regarding the benefits of racially integrated schools for students and communities (Part I), the harms that have been found to be associated with racially segregated minority schools (Part II), and the effectiveness of race-conscious policies to help maintain racially integrated schools (Part III). Racially desegregated schools are not an educational or social panacea and the extent of benefits will depend on how desegregation is structured and implemented. What research studies show, however, is that racially integrated schools tend to provide benefits that are not available in segregated schools.

I. The Benefits of Racially Integrated Schools for Students and Communities.

Racially integrated public schools provide significant benefits for students of all races and their communities.

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[3] Desegregation generally describes the creation of schools containing substantial percentages of students from two or more racial and ethnic groups. Integration refers to the positive implementation of desegregation with equal status for all groups and respect for all cultures.

Studies document how these schools provide an environment that promotes social tolerance and reduces racial prejudice, improves students' critical thinking skills and academic achievement, and enhances economic and occupational opportunities. Communities also benefit from a more productive workforce, decreased residential segregation, and increased parental involvement in schools. These positive outcomes improve the future viability of workplaces and communities.

Cross-Racial Understanding and Reduction of Racial Prejudice

A considerable number of studies since *Brown* have shown how the social environment of schools affects the attitudes of students from one racial group toward students of other racial groups.[4] Over the past 15 years, research in developmental psychology has documented the

[4] See Thomas Pettigrew, "Attitudes on Race and Housing: A Social-Psychological View," in *Segregation in Residential Areas*, ed. Amos H. Hawley and Vincent P. Rock (Washington, D.C.: National Academy of Sciences, 1973): 21-84; Thomas Pettigrew, "Justice Deferred: A Half Century after Brown v. Board of Education," *American Psychologist* 59, no. 66 (2004): 521-29; Nancy St. John, *School Desegregation: Outcomes for Children* (New York: Wiley, 1975); Elizabeth G. Cohen, "Design and Redesign of the Desegregated School: Problems of Status, Power, and Conflict," in *School Desegregation: Past, Present and Future*, ed. Walter G. Stephan and Joe R. Feagin (New York: Plenum, 1980): 251-78; Sandra B. Damico, Afesa Bell-Nathaniel, and Charles Green, "Effects of School Organizational Structure on Interracial Friendships in Middle Schools," *Journal of Education Research* 74, no. 6 (1981): 388-93; Vladimir T. Khmelkov and Maureen T. Hallinan, "Organizational Effects on Race Relations in Schools," *Journal of Social Issues* 55, no. 4 (1999): 627-45; Melanie Killen, Nancy G. Margie, and Stefanie Sinno, "Morality in the Context of Intergroup Relationships," in *Handbook of Moral Development*, ed. Melanie Killen and Judith Smetana (Mahwah, N. J.: LEA, 2006): 155-83.

social and developmental benefits of intergroup contact that results from school integration and examined stereotyping, prejudice, and exclusion attitudes in childhood.[5]

These comprehensive educational studies conclude that a racially integrated student body is necessary to obtain cross-racial understanding, which may lead to a reduction of harmful stereotypes and bias. Racially segregated schools deprive students of these learning opportunities and the available evidence indicates that indirect programs that merely emphasize the transmission of information about other groups but are not able to utilize intergroup contact have little impact on actually changing the behavior of students.[6] Like learning new communication skills, the skills needed to relate to students of other racial and ethnic groups require practice.[7] Knowledge

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[5] Melanie Killen and Clark McKown, "How Integrative Approaches to Intergroup Attitudes Advance the Field," *Journal of Applied Developmental Psychology* 26 (2005): 612-22.

[6] Willis D. Hawley, "Designing Schools that Use Student Diversity to Enhance Learning of All Students," in *Lessons in Integration: Realizing the Promise of Racial Diversity in America's Schools*, ed. Erica Frankenberg and Gary Orfield (Charlottesville, Va.: Univ. of Virginia Press, in press); Frances E. Aboud and Maria Amato, "Developmental and Socialization Influences on Intergroup Bias," in *Blackwell Handbook of Social Psychology: Intergroup Relations*, ed. Rupert Brown and Samuel L. Gaertner (Oxford, England: Blackwell Publishers, 2001): 65-85; Janet Ward Schofield and H. Andrew Sagar, "Peer Interaction Patterns in an Integrated Middle School," *Sociometry* 40, no. 2 (1977): 130-38.

[7] Janet Ward Schofield, *Black and White in School: Trust, Tension or Tolerance?* (New York: Teachers College Press, 1989) (showing that behavior changed over time as kids became more comfortable with members of other racial groups and were less likely to avoid them).

about and empathy for other groups are not as easily learned or long-lasting if learned in homogeneous schools.[8]

In a nation in which the proportion of whites among the school-aged population has declined to less than 60% and is declining by the year, there is growing value to cross-racial understanding and cooperation among individuals of all races. For white students, who, on average, grow up in the most racially separate neighborhoods and remain highly segregated in K-12 and higher education classrooms,[9] racially integrated schools provide benefits that many students may not be able to obtain in other ways.[10] Recent findings from a survey of high school juniors and seniors in seven major school districts across the nation, including Seattle and Jefferson County, show that white students value interracial experiences and report that their racially integrated schools better prepared them to work and participate in public life in

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[8] Peter B. Wood and Nancy Sonleitner, "The Effect of Childhood Interracial Contact on Adult Antiblack Prejudice," *Journal of Intercultural Relations* 20, no. 1 (1996): 1-17.

[9] Sean F. Reardon and John T. Yun, "Integrating Neighborhoods, Segregating Schools: The Retreat from School Desegregation in the South, 1990-2000," in *School Resegregation: Must the South Turn Back?*, ed. John C. Boger and Gary Orfield (Chapel Hill, N.C.: Univ. of North Carolina Press, 2005): 51-69.

[10] Michal Kurlaender and John T. Yun, "Is Diversity a Compelling Educational Interest? Evidence from Louisville," in *Diversity Challenged: Evidence on the Impact of Affirmative Action*, ed. Gary Orfield with Michal Kurlaender (Cambridge, Mass.: Harvard Education Publishing Group, 2001): 111-41; Pamela Perry, *Shades of White: White Kids and Racial Identities in High School* (Durham, N.C.: Duke Univ. Press, 2002).

in their multiracial communities.[11] Additionally, students of all racial groups in integrated schools felt higher comfort levels with members of racial groups different than their own when compared with students in segregated schools.[12] For example, white students in integrated settings have been found to exhibit more racial tolerance and less fear of their black peers over time than their segregated peers.[13]

Teachers believe that building respect for people of other races and cultures is one of the most important goals of education.[14] Many teachers with everyday experience in racially diverse schools believe in the benefits of racial diversity for student learning and as an experience that fosters productive, economic, and civic participation in

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[11] John T. Yun and Michal Kurlaender, "School Racial Composition and Student Educational Aspirations: A Question of Equity in a Multiracial Society," *Journal of Education for Students Placed at Risk* 9, no. 2 (2004): 143-68.

[12] Michal Kurlaender and John T. Yun, "Measuring School Racial Composition and Student Outcomes in a Multiracial Society," *American Journal of Education* (forthcoming).

[13] Janet Ward Schofield, "Review of Research on School Desegregation's Impact on Elementary and Secondary School Students," in *Handbook of Research on Multicultural Education*, ed. James A. Banks and Cherry M. Banks (New York: Macmillan Publishing, 1995): 597-616; Amy J. Strefling, "The Influence of Integrated and De Facto Segregated Schools on Racial Attitudes of White Students toward African Americans" (paper presented at Council for Administration Convention, St. Louis, 1998); Jomills Henry Braddock, Marvin P. Dawkins, and William T. Trent, "Why Desegregate? The Effect of School Desegregation on Adult Occupational Segregation of African Americans, Whites, and Hispanics," *International Journal of Contemporary Sociology* 31, no. 2 (1994): 271-83.

[14] Alec Gallup, *The Phi Delta Kappa Gallup Poll of Teachers' Attitudes Towards the Public Schools* (Bloomington, Ind.: Phi Delta Kappa, 1985).

U.S. society. They also state that these benefits are difficult to attain in single-race classrooms.[15] Virtually all teachers (and about 90% of students) in a recent survey stated that it was important for students of different races and ethnicities to interact, although far fewer believed that this was currently happening in their schools.[16]

The harms to students who are the targets of negative stereotypes and to students who become the unwitting inheritors of such views are well known.[17] Children become aware of racial and ethnic group differences from very young ages,[18] and their developing views of different groups are affected and shaped by others within their social worlds.[19] Because stereotypes can become deeply

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[15] Ellen Goldring and Claire Smrekar, "Magnet Schools and the Pursuit of Racial Balance," *Education and Urban Society* 33, no. 1 (November 2000): 17-35; *Teacher Opinions on Racial and Ethnic Diversity: Clark County School District, Nevada* (Cambridge, Mass.: The Civil Rights Project, 2002).

[16] Kelly Bagnashi and Marc R. Scheer, "Brown v. Board of Education: Fifty Years Later," in *Trends and Tudes Newsletter of Harris Interactive Youth Research* 3, no. 6 (June 2004) (summarizing the findings of a Harris Interactive/Education Week poll).

[17] Claude M. Steele, Steven J. Spencer, and Joshua Aronson, "Contending with Group Image: The Psychology of Stereotype and Social Identity Threat," in *Advances in Experimental Social Psychology*, ed. Mark Zanna (New York: Academic Press, 2002): 379-440.

[18] Frances E. Aboud, *Children and Prejudice* (London: Blackwell Publishers, 1988); Lawrence A. Hirschfeld, "The Inheritability of Identity: Children's Understanding of the Cultural Biology of Race," *Child Development* 66, no. 5 (1995): 1418-37.

[19] See Frances E. Aboud, Morton J. Mendelson, and Kelly T. Purdy, "Cross-Race Peer Relations and Friendship Quality," *International Journal of Behavioral Development* 27, no. 2 (2003): 165-73; Killen, Margie, and Sinno, "Morality in the Context of Intergroup Relationships," 155-83; Christopher G. Ellison and Daniel A. Powers, "The Contact Hypothesis and Racial Attitudes among Black Americans,"

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entrenched as children become adults, early social interactions are important to promote tolerance and reduce prejudice.[20] In addition, the effectiveness of constructive, integrated school settings in reducing the transmission of such stereotypes has been well established.[21] It has been

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Social Science Quarterly 75, no. 2 (1994): 385-400. See also Rebecca Bigler and Lynn S. Liben, "A Developmental Intergroup Theory of Social Stereotypes and Prejudice," in *Advances in Child Development and Behavior*, vol. 34, ed. Robert V. Kail (San Diego: Elsevier, 2006): 39-89 (positing that segregation is a causal factor in stereotyping because merely seeing people sorted by some human attribute leads children to believe that the groups differ).

[20] Research focusing on children's implicit attitudes – attitudes that reflect a racial bias, unbeknownst to the individual expressing the attitudes – has shown that white children attending racially homogeneous elementary schools were more likely to attribute negative intentions to peers based on race when evaluating ambiguous situations in school contexts than were white children attending racially heterogeneous schools. See Heidi Mcglothlin, Melanie Killen, and Christina Edmonds, "European-American Children's Intergroup Attitudes About Peer Relationships," *British Journal of Developmental Psychology* 23, no. 2 (2005): 227-49.

[21] See Frances E. Aboud and Sheri Levy, "Intervention to Reduce Prejudice and Discrimination in Children and Adolescents," in *Reducing Prejudice and Discrimination*, ed. Stuart Oskamp (Hillsdale, N. J.: Lawrence Erlbaum, 2000): 269-93; Killen, Margie, and Sinno, "Morality in the Context of Intergroup Relationships," 155-83; Martin Patchen, *Black-White Contact in Schools: Its Social and Academic Effects* (West Lafayette, Ind.: Purdue Univ. Press, 1982); Janet Ward Schofield, "The Impact of Positively Structured Contact on Intergroup Behavior: Does It Last under Adverse Conditions?" *Social Psychology Quarterly* 42, no. 3 (Sept. 1979): 280-84; Walter G. Stephan and Cookie W. Stephan, *Improving Intergroup Relations* (Thousand Oaks, Calif.: Sage, 2001); Hawley, "Designing Schools;" Linda Tropp and Mary Prenovost, "The Role of Intergroup Contact in Predicting Children's Inter-Ethnic Attitudes: Evidence from Meta-Analytic and Field Studies," in *Intergroup Relations: An Integrative Developmental and Social Psychological*

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found that the reduction of stereotyping and the increased understanding that racial exclusion is harmful are products of children's social cognition, perspective taking, empathetic responses, and moral judgments,[22] all of which are enhanced in integrated environments.[23] These outcomes are especially important in the education context, where stereotypes may inhibit academic interaction and learning by all students.

A recent meta-analysis[24] of over 500 prior studies that collectively involved 250,000 participants shows that greater levels of contact among different groups are typically associated with lower levels of intergroup prejudice, and that these effects are consistent and significant for samples of children, adolescents, and adults.[25] Although optimal intergroup conditions – such as

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Perspective, ed. Sheri Levy and Melanie Killen (Oxford, England: Oxford Univ. Press, in press).

[22] Killen, Margie, and Sinno, "Morality in the Context of Intergroup Relationships," 155-83. Research suggests the critical importance of being aligned in collective teamwork to consistently attain positive benefits of intergroup contact. Schofield, "Review of Research," 597-616.

[23] Recent research with adolescents in the Los Angeles area has shown that students who are enrolled in schools with high ethnic diversity are more likely to feel safe and experience less harassment in school than are students enrolled in schools with high racial isolation. Jaana Juvonen, Adrienne Nishina, and Sandra Graham, "Ethnic Diversity and Perceptions of Safety in Urban Middle Schools," *Psychological Science* 17, no. 5 (May 2006): 393-400.

[24] When performing a meta-analysis, researchers attempt to find every study conducted on a particular topic; then, they statistically pool the results to examine the overall patterns of effects and to uncover additional variables that moderate those effects.

[25] Thomas Pettigrew and Linda Tropp, "A Meta-Analytic Test of Intergroup Contact Theory," *Journal of Personality and Social Psychology* 90 (2006): 751-83.

equal status between groups, support of institutional authorities, common goals and cooperation – are not necessary for prejudice reduction, larger reductions in prejudice occur when the conditions are established.[26] A related analysis of 198 independent samples from these studies showed that significant, positive effects of intergroup contact typically emerge for samples of children and adolescents in schools, and specifically when the contact involves youth from different racial and ethnic groups.[27] Additional studies show how cross-race friendships that develop through contact in schools encourage broader, positive changes in interracial attitudes.[28] These positive effects accrue regardless of whether participants voluntarily chose to engage in intergroup contact.[29] Collectively these findings suggest that contact among youth from different racial groups promotes positive intergroup attitudes, and such positive outcomes become stronger

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[26] Gordon Allport, *The Nature of Prejudice*, (Cambridge, Mass.: Addison-Wesley Publishing Company, 1954) (discussing optimal conditions for intergroup contact).

[27] Tropp and Prenovost, "The Role of Intergroup Contact in Predicting Children's Inter-Ethnic Attitudes."

[28] Damico, Bell-Nathaniel, and Green, "Interracial Friendships in Middle Schools," 388-93; Shana Levin, Colette van Laar and Jim Sidanius, "The Effects of Ingroup and Outgroup Friendships on Ethnic Attitudes in College: A Longitudinal Study," *Group Processes and Intergroup Relations* 6, no. 1 (2003): 76-92.

[29] This is noteworthy because critics of contact theory suggest that those seeking out intergroup contact might already have lower prejudice, but an analysis that coded whether participants had "full choice" to engage in contact or "no choice" found that the effects of contact were comparably strong for both groups. See Pettigrew and Tropp, "A Meta-Analytic Test of Intergroup Contact Theory," 757-58.

when optimal intergroup conditions are established in the school environment.

Racially diverse schools can be structured in ways that make positive outcomes more likely to occur.[30] Tracking white and Asian students into more advanced classes and black and Latino students into lower-level classes – as studies have suggested disproportionately occurs, regardless of ability[31] – will limit the intergroup contact that produces gains for all in addition to restricting the future success of minority students.[32] Educators can benefit from the considerable research demonstrating how to implement desegregation successfully.[33]

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[30] Cookie W. Stephan and Walter G. Stephan, "Cognition and Affect in Cross-Cultural Relations," in *Handbook of International and Intercultural Communication*, 2nd ed., ed. William B. Gudykunst and Bella Mody (Thousand Oaks, Calif. Sage, 2002): 127-42; Pettigrew and Tropp, "A Meta-Analytic Test of Intergroup Contact Theory," 751-83; Schofield and Sagar, "Peer Interaction Patterns," 130-38; Robert E. Slavin, "Effects of Biracial Learning Teams on Cross-Racial Friendships," *Journal of Educational Psychology* 71, no. 3 (1979): 381-87; Robert E. Slavin, *Cooperative Learning: Theory, Research, and Practice*, 2nd ed. (Boston: Allyn & Bacon, 1995).

[31] Roslyn A. Mickelson, "Subverting Swann: First- and Second-Generation Segregation in Charlotte, North Carolina," *American Educational Research Journal* 38, no. 2 (2001): 215-52.

[32] See Carol Corbett Burris, Jay Heubert, and Henry Levin, "Math Acceleration for All," *Educational Leadership* 61, no. 5 (2004): 68-71; Jo Boaler and Megan Staples, "Transforming Students' Lives through an Equitable Mathematics Approach: The Case of Railside School" (paper presented at meeting of the American Educational Research Association, Montreal, Canada, April 2005).

[33] See Willis D. Hawley et al., *Strategies for Effective School Desegregation* (Lexington, Ma.: Lexington Books, 1983); Erica Frankenberg and Gary Orfield, ed., *Lessons in Integration: Realizing the Promise of Racial Diversity in America's Schools* (Charlottesville, Va: Univ. of Virginia Press, in press).

Critical Thinking Skills

Educational psychology theories indicate that learning in diverse classrooms, where students from different backgrounds communicate their different experiences and perspectives, encourages students to think in more complex ways.[34] Because students of different races and ethnic backgrounds often bring different cultural knowledge and social perspectives into schools, classrooms with racially diverse groups of students are more likely to enhance critical thinking by exposing students to new information and understandings.[35] Much has already been learned from research in higher education about the benefits of a diverse learning community.[36] For example, there is evidence from a multi-institution study that students experiencing classroom diversity – specifically racial and ethnic diversity – "showed the greatest engagement in active thinking processes, growth in intellectual engagement and

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[34] John D. Bransford and Dan L. Schwartz, "Rethinking Transfer: A Simple Proposal with Multiple Implications," in *Review of Research in Education*, ed. Asghar Iran-Nejad and P. David Pearson (Washington, D.C.: American Educational Research Association, 1999): 61-101; Allan Wigfield et al., "Development of Achievement Motivation," in *Social, Emotional, and Personality*, vol. 3, 6th ed. of *Handbook of Child Psychology*, ed. William Damon, Richard M. Lerner, and Nancy Eisenberg (New York: Wiley, in press).

[35] Hawley, "Designing Schools;" Jean Piaget, *Biology and Knowledge* (Chicago: Univ. of Chicago Press, 1971).

[36] See, e.g., Mitchell J. Chang et al., ed., *Compelling Interest: Examining the Evidence on Racial Dynamics in Colleges and Universities* (Stanford, Calif.: Stanford Univ. Press, 2003) as recognized by the Court in *Grutter v. Bollinger*, 539 U.S. 306, 330 (2003).

motivation, and growth in intellectual and academic skills."[37]

Academic Achievement

A substantial body of research has been conducted on the impact of desegregated schooling on students' academic achievement.[38] Reviews of early desegregation research lead to the conclusion that school desegregation has a modest positive impact[39] on the achievement of African-American

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[37] Patricia Gurin, "Expert Report of Patricia Gurin," submitted in *Gratz, et al. v. Bollinger, et al.*, No. 97-75231 (E.D. Mich. 1999) and *Grutter, et al. v. Bollinger, et al.*, No. 97-75928 (E.D. Mich. 1999); see also Patricia Marin, "The Educational Possibility of Multi-Racial/Multi-Ethnic College Classrooms," in *Does Diversity Make a Difference? Three Research Studies on Diversity in College Classrooms*, ed. American Council on Education & American Association of University Professors (Washington, D.C.: ACE & AAUP, 2000): 61-83; Jeffrey F. Milem and Kenji Hakuta, "The benefits of racial and ethnic diversity in higher education," featured report, in *Minorities in Higher Education: Seventeenth Annual Status Report*, Deborah J. Wilds (author) (Washington, D.C.: American Council on Education, 2000): 39-67. Although these studies were more descriptive, experimental work in this area confirms that students exposed to racial diversity relative to those who are not, have improved outcomes. See Greg J. Duncan et al., "Empathy or Antipathy? The Consequences of Racially and Socially Diverse Peers on Attitudes and Behaviors," Working paper, Joint Center for Policy Research, Northwestern University, 2003; Anthony Lising Antonio et al., "Effects of Racial Diversity on Complex Thinking in College Students," *Psychological Science* 15, no. 8 (August 2004): 507-10.

[38] Much of that research was carried out during the 1960s and 1970s, when research on desegregation primarily was focused on black students attending formerly all-white schools, often examining data during one year, early in the implementation of desegregation plans.

[39] Most school reforms have little or no effect on improving students' outcomes (see Richard Rothstein, *Class and Schools* (New York: Teachers College Press, 2004); Jaekyung Lee, *Tracking Achievement Gaps and Assessing the Impact of NCLB on the Gaps: An In-depth Look into National and State Reading and Math Outcome Trends*

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students.[40] Specifically, desegregation appears to have a positive impact on reading achievement, but there appears to be little or no effect on math scores.[41] The impact of desegregation on achievement varies by context, appearing somewhat stronger for younger students.[42] It also appears that there are stronger achievement gains when desegregation is voluntary.[43]

(Cambridge, Mass.: The Civil Rights Project, 2006)). Thus, the modest impact that desegregation has had on student achievement relative to these other reforms is substantial.

[40] Thomas D. Cook, "What Have Black Children Gained Academically From School Integration?: Examination of the Meta-Analytic Evidence," *School Desegregation and Black Achievement*, ed. Thomas D. Cook et al. (Washington, D.C.: Department of Education, May 1984); Rita E. Mahard and Robert L. Crain, "Research on Minority Achievement in Desegregated Schools," in *The Consequences of School Desegregation*, ed. Christine Rossell and Willis D. Hawley (Philadelphia, Pa.: Temple Univ. Press, 1983): 103-25; Schofield, "Review of Research," 597-616.

[41] David J. Armor, "The Evidence on Desegregation and Black Achievement," in *School Desegregation and Black Achievement*, ed. Thomas Cook et al. (Washington, D.C.: National Institution of Education, 1984): 43-67; Norman Miller and Michael Carlson, "School Desegregation as a Social Reform: A Meta-Analysis of Its Effects on Black Academic Achievement," in *School Desegregation and Black Achievement*, ed. Thomas Cook et al. (Washington, D.C.: National Institute of Education, 1984): 89-130; Paul M. Wortman, "School Desegregation and Black Achievement: An Integrative View.," in *School Desegregation and Black Achievement*, ed. Thomas Cook et al. (Washington, D.C.: National Institute of Education, 1984): 194-224.

[42] Mahard and Crain, "Research on Minority Achievement in Desegregated Schools," 103-25.

[43] Walter G. Stephan, "Blacks and Brown: The Effects of School Desegregation on Black Students," in *School Desegregation and Black Achievement*, ed. Thomas Cook et al. (Washington, D.C.: National Institute of Education, 1984): 131-59; Lawrence A. Bradley and Gifford W. Bradley, "The Academic Achievement of Black Students in

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While studies on academic achievement measure student outcomes (defined mainly by test scores), the underlying reasons for these gains in achievement are not entirely clear.[44] Research has shown that children's motivation to succeed academically is significantly related to their social relationships with others, social skills, and social competence.[45] It also appears, however, that the improved achievement of students in integrated schools is, in part, related to the fact that schools with greater proportions of non-minority students generally have better resources to help improve learning opportunities, as discussed in Part II.

The findings of more recent studies of desegregated schools are consistent with earlier findings.[46] One study

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Desegregated Schools: A Critical Review," *Review of Educational Research* 47, no. 3 (1977): 399-449.

[44] Whether standardized tests are a valid indicator of achievement or future success, particularly for African Americans, has been questioned when discussing student achievement in desegregated schools. Jacqueline Fleming, "Standardized Test Scores and the Black College Environment," in *Going to School: The African American Experience*, ed. Kofi Lomotey (Albany, N.Y.: State Univ. of New York, 1990): 143-62; Christopher Jencks et al., *Inequality: A Reassessment of the Effect of Family and Schooling in America* (New York: Basic Books, 1972).

[45] Kathryn R. Wentzel, "Adolescent Classroom Goals, Standards for Performance and Academic Achievement: An Interactionist Perspective," *Journal of Educational Psychology* 81, no. 2 (1989): 131-42; Wigfield et al., "Development of Achievement Motivation;" Allan Wigfield and Jacquelynne S. Eccles, "Students' Motivation during the Middle School Years," in *Improving Academic Achievement: Impact of Psychological Factors on Education*, ed. Joshua Aronson (San Diego: Academic Press, 2002): 160-85.

[46] Kathryn M. Borman et al., "Accountability in a Postdesegregation Era: The Continuing Significance of Racial Segregation in Florida's Schools," *American Educational Research Journal*, 41, no. 3 (2004): 605-31; Stephen J. Caldas and Carl Bankston, "The Inequality of

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using National Assessment of Educational Progress (NAEP) data across every state found that when controlling for socioeconomic status, most of the negative relationship with segregated schools and achievement is eliminated for whites but not for black students, although the relationship varied among states.[47]

A recent study in Texas analyzed the impact of racial composition of classmates on the test scores of students, from 4th to 7th grade.[48] A longitudinal dataset following multiple cohorts of 200,000 students across all Texas public schools enabled the researchers to track achievement score gains on an annual basis, and in this respect the study is methodologically superior to studies that analyze a cross-section of data at one point in time. The study's findings suggest that a decrease in the black percentage of classmates for black students, particularly when cumulated over many years, could have a substantial impact on

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Separation: Racial Composition of Schools and Academic Achievement," *Educational Administration Quarterly* 34, no. 4 (1998): 533-57; Adam Gamoran, "The Stratification of High School Learning Opportunities," *Sociology of Education* 60, no. 3 (1987): 135-55; Jeannie Oakes, *Multiplying Inequalities: The Effects of Race, Social Class, and Tracking on Opportunities to Learn Mathematics and Science* (Santa Monica, Calif.: Rand Corporation, 1990); Mark Berends et al., *Examining Gaps in Mathematics Achievement Among Racial-Ethnic Groups, 1972-1992* (Santa Monica, Calif.: Rand Corporation, 2005).

[47] David J. Armor, "Lessons Learned from School Desegregation," in *Generational Change: Closing the Test Score Gap*, ed. Paul Peterson (Lanham, Md.: Rowman & Littlefield, 2006): 115-42.

[48] Eric A. Hanushek, John F. Kain, and Steven G. Rivkin, "New Evidence about *Brown v. Board of Education*: The Complex Effects of School Racial Composition on Achievement," Working paper, National Bureau of Economic Research, Cambridge, Mass., 2006.

increasing their achievement.[49] This relationship held even when other variables such as school quality and peers' achievement were taken into account. The study found that desegregation had a negligible impact on white achievement scores. Thus, decreasing black segregation may improve black achievement scores without adversely affecting white achievement scores.

While the findings on the achievement of Latino students, who are the most segregated students of color in the United States,[50] are more limited, a review of literature on the effect of school desegregation found that the few early studies reported modestly positive or no effect on Latino achievement.[51] A recent study examined the impact that ending court-ordered school desegregation in *Keyes* – where the Supreme Court established desegregation rights for Latinos – had for students. The study found modest negative impacts on average math achievement levels for Latinos in racially isolated schools in Denver relative to Latinos in schools that are more racially integrated.[52] A study of 50 Mexican-origin students who displayed all the

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[49] Specifically, the authors found that an increase of 1% of black students was related to a decrease of .0225 of a standard deviation in the test scores of black students, per year. Desegregating black students across Texas in grades 5-7 alone would close the achievement gap with whites by 15 percent.

[50] Richard R. Valencia, Martha Menchaca, and Rubén Donato, "Segregation, Desegregation, and Integration of Chicano Students: Old and New Realities," in *Chicano School Failure and Success: Past, Present, and Future*, 2nd ed., ed. Richard R. Valencia (London: RoutledgeFalmer, 2002): 70-113.

[51] Schofield, "Review of Research," 597-616.

[52] Catherine Horn and Michal Kurlaender, *The End of Keyes – Resegregation Trends and Achievement in Denver Public Schools* (Cambridge, Mass.: The Civil Rights Project, April 2006).

characteristics that normally predict school failure (e.g., low-income, parents without high school diplomas, and Spanish-speaking households) but who excelled academically in elite colleges and universities found that the overwhelming majority (70%) of these students had attended desegregated schools, even though most of them lived in segregated neighborhoods. Among the critical aspects of this desegregated schooling experience was the confidence it gave them to compete academically.[53]

In addition, educational research has documented how widespread but unfounded beliefs about racial inferiority hinder the academic performance of minority students. This phenomenon is known as "stereotype threat" and it undermines performance in this manner: Students perceiving stereotypic expectations about their own intellect from teachers and fellow students and who are motivated to disprove these stereotypes can become distracted in stressful assessment situations, such as testing, and fail to perform to their capacity. Much of the empirical research documenting the effects of stereotype threat has been done among college students,[54] but research also indicates that stereotype threat can affect elementary school age children. For example, African-American, Latino, Asian, and Native American students (ages 6-10) who were aware of their racial group stereotypes performed significantly worse than white and minority

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[53] Patricia Gándara, *Over the Ivy Walls: The Educational Mobility of Low Income Chicanos* (Albany, N.Y.: State Univ. of New York Press, 1995).

[54] Claude Steele and Joshua Aronson, "Stereotype Threat and the Intellectual Performance of African-Americans," *Journal of Personality and Social Psychology* 69, no. 5 (1995): 797-811; Patricia M. Gonzalez, Hart Blanton, and Kevin J. Williams, "The Effects of Stereotype Threat and Double-Minority Status on the Test Performance of Latino Women," *Personality and Social Psychology Bulletin* 28, no. 5 (2002): 659-70.

students who were unaware of their group stereotypes.[55] In addition to negatively affecting short-term academic achievement scores, research suggests that students who feel threatened by stereotypes may adopt habits that will undermine future academic success.[56]

Numerous studies – recent as well as those that were conducted in the immediate aftermath of court-ordered desegregation – suggest that school desegregation has little or no measurable negative impact on the test scores of white students.[57] Thus, fears that desegregation will undermine their achievement seem unfounded. Further, research showed that there were no gains for white

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[55] Clark McKown and Rhona Weinstein, "The Development and Consequences of Stereotype-Consciousness in Middle Childhood," *Child Development* 74, no. 2 (2003): 498-515. Studies have also confirmed the effect of stereotype threat for girls in math. Catherine Good, *Stereotype Threat and Its Relation to Theories of Elementary Girls' Mathematics Achievement and Task Choices* (Austin, Tex.: Univ. of Texas, 2001); Barbara Muzzatti, "Gender and Mathematics: Attitudes and Stereotype Threat Susceptibility in Children," (Ph.D. diss., Università degli studi di Padova, 2005); Nalini Ambady et al., "Stereotype Susceptibility in Children: Effects of Identity Activation on Quantitative Performance," *Psychological Science* 12, no. 5 (2001): 385-90.

[56] Kira Alexander and Janet Ward Schofield, "Stereotype Threat: How Students' Responses to Perceived Negative Stereotypes Undermine their Achievement," in *Migration Background, Minority-Group Membership and Academic Achievement: Research Evidence from Social, Educational, and Developmental Psychology*, ed. Janet Ward Schofield et al. (Berlin: Social Science Research Center Berlin, 2006): 13-42.

[57] Borman et al., "The Continuing Significance of Racial Segregation in Florida's Schools," 605-31; Patchen, "Black-White Contact in Schools," 182-84; Schofield, "Review of Research," 597-616; Harry Singer, Harold B. Gerald, and David Redfearn, "Achievement," in *School Desegregation: A Long-Term Study*, ed. Harold B. Gerard and Norman Miller (New York, Plenum Press, 1975): 69-87.

students following the end of the desegregation plan as schools resegregated in Denver.[58]

Life Opportunities

Research shows that attendance at racially integrated schools tends to improve students' life opportunities, particularly those of nonwhite students. Studies find that attending desegregated schools is related to completing high school for nonwhite students.[59] Students who experienced integration prior to attending an undergraduate institution are also more likely to connect positively with diverse peers in college and to exploit the academic opportunities that a diverse university can offer.[60] These findings

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[58] Horn and Kurlaender, *The End of Keyes*.

[59] Janet Ward Schofield, "Maximizing Benefits of Student Diversity: Lessons from School Desegregation Research," in *Diversity Challenged: Evidence on the Impact of Affirmative Action*, ed. Gary Orfield with Michal Kurlaender (Cambridge, Mass.: Harvard Education Publishing Group, 2001): 99-141; Walter G. Stephan, "School Desegregation: Short and Long Term Effects," in *Opening Doors: Perspectives on Race Relations in Contemporary America*, ed. Harry J. Knopke, Robert J. Norrell, and Ronald W. Rogers (Tuscaloosa, Ala.: Univ. of Alabama Press, 1991): 100-18. See Jonathan Guryan, "Desegregation and Black Dropout Rates," *American Economic Review* 94, no. 4 (2004): 919-43 (results of a quasi-experimental study of the effect of school segregation on African-American students' dropout rates found a modestly positive effect of desegregation on reducing dropout rates, after controlling for family characteristics); Robert L. Crain and Carol Sachs Weisman, *Discrimination, Personality, and Achievement: A Survey of Northern Blacks* (New York: Seminar Press, 1972).

[60] Anita-Yvonne Bryant, Nathan D. Martin, and Kenneth I. Spenner, *The Campus Life and Learning Project: A Report on the First Two College Years* (Durham, N.C.: Duke University, 2006); Victor B. Saenz, "Breaking the Cycle of Segregation: Examining Students' Pre-College Racial Environments and their Diversity Experiences in College" (Ph.D. diss., University of California, 2005).

are important because college attendance and graduation have become increasingly critical for economic success, much as high school completion was at the time of the *Brown* decision.

Nonwhite students who graduate from integrated schools are also more likely to have access to the social and professional networks that have been traditionally available to white students.[61] These social networks can provide increased access to professional jobs and information about college-going opportunities.[62] Early research on the long-term outcomes of desegregated schools concluded that, when comparing black students in desegregated schools with black students in segregated schools, those in integrated schools often have more realistic occupational aspirations.[63] Similarly, minority graduates of desegregated schools tend to complete more years of education, earn higher degrees, and major in more varied occupations than graduates of all-black schools.[64] For instance, one

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[61] See W. E. B. DuBois, "Does the Negro Need Separate Schools?" *Journal of Negro Education* 4, no. 3 (July 1935): 328-35; Mark Granovetter, "The Microstructure of School Desegregation" in *School Desegregation Research. New Directions in Situational Analysis*, ed. Jeffrey Prager, Douglas Longshore, and Melvin Seeman (New York: Plenum Press, 1986): 81-100.

[62] See Jomills H. Braddock et al., "Applicant Race and Job Placement Decisions: A National Survey Experiment," *International Journal of Sociology and Social Policy* 6 (1986): 3-24.

[63] Amy Stuart Wells and Robert L. Crain, "Perpetuation Theory and the Long-Term Effects of School Desegregation," *Review of Educational Research* 64, no. 4 (1994): 531-55.

[64] Jomills H. Braddock and James M. McPartland, "How Minorities Continue to be Excluded from Equal Employment Opportunities: Research on Labor Market and Institutional Barriers," *Journal of Social Issues* 43, no. 1 (1987): 5-39; Wells and Crain, "Perpetuation Theory and the Long-Term Effects of School Desegregation," 531-55.

such study found that black graduates of predominantly white high schools are five times as likely to major in architecture and nearly four times as likely to major in computer science as black graduates of segregated schools.[65]

Research examining the long-term labor market implications of desegregation found that the incomes of southern-born blacks rose after desegregation was implemented.[66] A study of a random sample of black students in Hartford, Connecticut found that those attending desegregated schools, when compared with other black students in their cohort, were more likely to have white-collar jobs and were more likely to have more years of education.[67] Another study using a larger sample of black Americans over a period of decades noted that school segregation was negatively related to wages, and that this relationship was statistically significant even when controlling for a number of other background characteristics.[68] As in other studies mentioned above, an intervening factor explaining

[65] Jomills H. Braddock, "Segregated High School Experiences and Black Students' College and Major Field Choices" (paper presented at the National Conference on School Desegregation, Chicago, Ill., June 1987).

[66] Orley Ashenfelter, William J. Collins, and Albert Yoon, "Evaluating the Role of Brown vs. Board of Education in School Equalization, Desegregation, and the Income of African Americans," Working paper, National Bureau of Economic Research, Cambridge, Mass., 2005.

[67] Robert L. Crain and Jack Strauss, *School Desegregation and Black Occupational Attainments: Results from a Long-Term Experiment* (Baltimore, Md.: Center for Social Organization of Schools, Johns Hopkins Univ., 1985).

[68] Michael A. Boozer et al., "Race and School Quality since Brown v. Board of Education," in *Brookings Papers on Economic Activity, Microeconomics*, ed. Martin Neil Baily and Clifford Winston (Washington, D.C.: The Brookings Institution, 1992): 269-338.

the increased earnings was that school desegregation for blacks was associated with more years of education.[69]

Studies show that black and white individuals who attended desegregated schools are more likely to have friends from other races, work in desegregated workplaces, live in desegregated neighborhoods, and favor desegregated schools for their own children, beyond the influence of personal characteristics such as socioeconomic status, achievement scores, or geography.[70] An in-depth study of minority students from an urban area who attended predominantly white suburban schools found that participants felt far more comfortable in racially diverse or predominantly white environments than did their friends and family members who lacked such desegregated experiences.[71] These former students, now adults, also felt better prepared for unique leadership roles in the city because of their experience in both white and nonwhite communities. This is consistent with data that reveal that students of all racial and ethnic groups who attend more

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[69] See also Guryan, "Desegregation and Black Dropout Rates," 919-43.

[70] Jomills H. Braddock, Robert L. Crain, and James M. McPartland, "A Long-Term View of School Desegregation: Some Recent Studies of Graduates as Adults," *Phi Delta Kappan* 66, no. 4 (1984): 259-64. See Jomills H. Braddock, "The Perpetuation of Segregation Across Levels of Education: A Behavioral Assessment of the Contact-Hypothesis," *Sociology of Education* 53 (1980): 178-86; Julie E. Kaufman and James Rosenbaum, "The Education and Employment of Low-Income Black Youth in White Suburbs," *Education Evaluation and Policy Analysis* 14, no. 3 (1992): 229-40; Jomills H. Braddock and James M. McPartland, "Assessing School Desegregation Effects: New Directions in Research," *Research in Sociology of Education and Socialization* 3 (1982): 259-82.

[71] Susan Eaton, *The Other Boston Busing Story* (New Haven, Conn.: Yale Univ. Press, 2001).

diverse schools report stronger support for postsecondary participation[72] and an increased sense of civic engagement than their more segregated peers.[73] These findings show that integrated schooling experiences perpetuate desegregation across several contexts.[74]

Producing a Workforce for the Twenty-First Century

Because racially integrated schools can uniquely enhance cross-racial understanding through intergroup contact that is not possible in racially and ethnically homogeneous schools, they help prepare students for the demands of today's workplace. Experiences in racially diverse classrooms make it more likely that people will bring fewer racial and ethnic stereotypes into the workplace, and will work more productively with other members of an increasingly diverse nation.[75] For example, the U.S. military found that establishing policies that encouraged black participation and leadership were essential for effective functioning of the military in the aftermath of the Vietnam War and in a multiracial society. In fact, the

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[72] Yun and Kurlaender, "School Racial Composition and Student Educational Aspirations," 143-68.

[73] Michal Kurlaender and John T. Yun, "Fifty Years after Brown: New Evidence of the Impact of School Racial Composition on Student Outcomes," *International Journal of Educational Policy, Research and Practice* 6, no. 1. (2005): 51-78.

[74] Braddock, Crain, and McPartland, "A Long-Term View of School Desegregation," 259-64; Jomills H. Braddock and James M. McPartland, "Social-Psychological Processes that Perpetuate Racial Segregation: The Relationship between School and Employment Discrimination," *Journal of Black Studies* 19, no. 3 (March 1989): 267-89; Braddock, Dawkins, and Trent, "Why Desegregate?," 273-83; Wells and Crain, "Perpetuation Theory and the Long-Term Effects of School Desegregation," 531-55.

[75] Hawley, "Designing Schools."

military realized that one of the most effective ways to develop interracial cooperation was through intergroup contact, under conditions of equal treatment, and assignments requiring collaboration across racial lines.[76] A 2001 study commissioned for the U.S. National Education Goals Panel pointed out that the Defense Department schools have a substantially lower racial achievement gap than most states, despite the fact that students came from families that were below average in socioeconomic status and parental education.[77]

Residential Segregation

Research also shows that while residential segregation usually drives school segregation, integrated schools can help reduce residential segregation.[78] A recent analysis suggests that school desegregation, when fully implemented,

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[76] Charles C. Moskos and John Sibley Butler, *All That We Can Be: Black Leadership and Racial Integration the Army Way* (New York: Basic Books, 1997).

[77] Claire Smrekar et al., *March Toward Excellence: School Success and Minority Student Achievement in Department of Defense Schools* (National Education Goals Panel: Peabody Center for Education Policy, Vanderbilt Univ., September 2001): iii-v, 39, 43. See also "In Pentagon-Run Schools, the Achievement Gap Shrinks," *Education Week* (29 March 2000): 1, 20-21.

[78] Diana Pearce, *Breaking Down Barriers: New Evidence on the Impact of Metropolitan School Desegregation on Housing Patterns, Final Report* (Washington, D.C.: Catholic Univ. of America, 1980); Robert Crain, Reynolds Farley, and Diana Pearce, "Lessons Not Lost: The Effect of School Desegregation on the Rate of Residential Desegregation in Large Center Cities" (paper presented at annual meeting of the American Educational Research Association, New Orleans, La., April 1984).

can lead to more integrated residential patterns.[79] While the percentage of white student enrollment in public schools has dropped substantially in virtually every urban district regardless of the presence or type of desegregation plan,[80] in areas with limited central city plans, the decline of white enrollment has accelerated[81] while regional or countywide plans can help maintain stable integration of whites and nonwhites.[82]

Research shows that if pockets of racially identifiable schools exist in a partially desegregated school district, white parents are more likely to seek out schools that are predominately white.[83] A study of metropolitan Charlotte illustrated that the part of the county excluded from the desegregation plan spurred white flight.[84] However, in a regional school district where all schools are racially balanced, the incidence of flight is reduced. An analysis of the largest 100 metropolitan areas noted that "white households are less likely to flee racially mixed environments if they are

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[79] Myron Orfield and Thomas Luce, *Minority Suburbanization and Racial Change: Stable Integration, Neighborhood Transition, and the Need for Regional Approaches* (Minneapolis: Institute on Race & Poverty, 2005).

[80] Erica Frankenberg, Chungmei Lee, and Gary Orfield, *A Multiracial Society with Segregated Schools: Are We Losing the Dream?* (Cambridge, Mass.: The Civil Rights Project, 2003).

[81] Charles T. Clotfelter, *After Brown: The Rise and Retreat of School Desegregation* (Princeton, N. J.: Princeton Univ. Press, 2004).

[82] Erica Frankenberg and Chungmei Lee, *Race in American Public Schools: Rapidly Resegregating School Districts* (Cambridge, Mass.: The Civil Rights Project, 2002).

[83] Pearce, *Breaking Down Barriers*.

[84] J. Dennis Lord and John C. Catau, "School Desegregation Policy and Intra-School District Migration," *Social Science Quarterly* 57, no. 4 (March 1977): 784-796.

confident that their children will continue to attend integrated schools even if the racial mix of the neighborhood changes."[85] Likewise, in Lynn, Massachusetts, an older industrial city outside of Boston, the rapid racial transition in the housing market ended after a voluntary desegregation plan was adopted.[86] The implications of these findings are clear: if school districts fully integrate, housing patterns stabilize and white flight is minimized.[87]

Parental Involvement

Desegregated school systems tend to have higher levels of parental involvement relative to segregated minority schools. This may be the case because there is a greater incentive for all residents to commit their resources to the success of the school system as a whole.[88] A study by the National Research Council showed far higher levels of volunteers in integrated schools compared to heavily nonwhite schools and even sharper differences among private schools.[89] Case studies showed that after

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[85] Orfield and Luce, *Minority Suburbanization and Racial Change.* See also Hawley et al., *Strategies for Effective School Desegregation.*

[86] Richard Cole, "Fostering an Inclusive, Multiracial Democracy," in *Lessons in Integration: Realizing the Promise of Racial Diversity in America's Schools*, ed. Erica Frankenberg and Gary Orfield (Charlottesville, Va.: Univ. of Virginia Press, in press) (*Lynn* counsel of record discussing social science evidence supporting legal arguments in *Comfort v. Lynn School Committee*, 418 F.3d 1 (2005)).

[87] Orfield and Luce, *Minority Suburbanization and Racial Change.*

[88] Gary Orfield, "Metropolitan School Desegregation," in *In Pursuit of a Dream Deferred: Linking Housing and Education Policy*, ed. John A. Powell, Gavin Kearney, and Vina Kay (New York: Peter Lang Publishing, 2001): 121-57.

[89] Bernard Michael, ed., *Volunteers in Public Schools* (Washington, D.C.: National Academy Press, 1990): 18-20.

neighborhood schools were restored and segregation rose, parent involvement declined.[90] In Boston, minority parents with children attending city neighborhood schools and integrated suburban schools reported more involvement in the diverse suburban schools even though these schools were located farther away.[91]

II. The Harms of Racially Isolated Minority Schools.

Social science research over the past half century has confirmed the basic findings of the Court in *Brown* and its progeny of cases, including *Green v. County School Bd. of New Kent County*[92] and *Swann v. Charlotte-Mecklenburg Bd. of Ed.*,[93] that racially segregated schools fail to provide students with equal learning opportunities. Although there are examples of academically successful schools with high concentrations of nonwhite students in African-American communities, they are uncommon[94] and often the result of stable, committed leadership, faculty, and parents. More often, however, despite determined individual efforts, schools with high concentrations of nonwhite students do not perform as well as those with high concentrations of white students due to inequalities that exist. And these inequalities have harmful educational implications for all

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[90] Gary Orfield and Susan E. Eaton, ed., *Dismantling Segregation* (New York: The New Press, 1996).

[91] Gary Orfield et. al., *City-Suburban Desegregation: Parent and Student Perspectives in Metropolitan Boston* (Cambridge, Mass.: The Civil Rights Project, 1997).

[92] 391 U.S. 430 (1968).

[93] 402 U.S. 1 (1971).

[94] Douglas N. Harris, "High Flying Schools, Student Disadvantage and the Logic of NCLB," *American Journal of Education* (forthcoming).

students in such schools and are particularly detrimental for the millions of low-income minority children from families without high levels of parent education.[95]

Although not true everywhere, poor white students, on average, generally do not attend schools with many other poor students, black or white. Poor black and Latino students, on the other hand, are statistically much more likely to attend a school of concentrated poverty and racial isolation.[96] This is partially due to residential segregation by race, which drives segregation independent of affordability. Lower minority incomes compound segregation by

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[95] Evidence since the 1966 *Coleman Report* suggests that school reforms have larger impacts on more disadvantaged children compared with the more powerful home effects on privileged children, which may explain why desegregation studies often show minority gains in academic outcomes with no losses for white students. Daniel Monyihan and Frederick Mosteller, *On Equality of Educational Opportunity* (New York: Random House, 1972); Frederick Mosteller, Richard J. Light, and Jason A. Sachs, "Sustained Inquiry in Education: Lessons from Skill Grouping and Class Size," *Harvard Educational Review* 66, no. 4 (1996): 797-842. Further, lower-achieving students have been found to have more substantial gains when they are surrounded by higher-achieving peers. Julian Betts, Andrew C. Zau, and Lorien A. Rice, *Determinants of Student Achievement: New Evidence from San Diego* (San Francisco: Public Policy Institute of California, 2003); Caroline Hoxby, "Peer Effects in the Classroom: Learning from Gender and Race Variation," Working paper, National Bureau of Economic Research, Cambridge, Mass., August 2000.

[96] Almost nine-tenths of intensely segregated black and Latino schools also have student bodies where a majority of students come from families below the poverty line. Gary Orfield and Chungmei Lee, *Racial Transformation and the Changing Nature of Segregation* (Cambridge, Mass.: The Civil Rights Project, 2006). See also Salvatore Saporito and Deenesh Sohoni, "Mapping Educational Inequality: Concentrations of Poverty among Poor and Minority Students in Public Schools," *Social Forces* (forthcoming).

concentrating lower income minority residents.[97] A recent study also suggests that wealthier students choose to attend private, charter, or magnet schools at a higher rate in neighborhoods with a greater percentage of minority residents.[98] These studies suggest that race is a determining factor in school segregation beyond the influence of class.

Segregated minority schools offer notably weaker educational opportunities. They tend to have more teachers without credentials who teach subjects in which they are not certified, more instability caused by rapid turnover of both students and faculty, more limited academic curriculum, and more exposure to crime and violence in the school's neighborhood. Accordingly, the educational outcomes in segregated schools tend to be lower in terms of scores on achievement tests and high school graduation rates, and dropout levels rise as the level of segregation increases.[99]

By eliminating racially isolated minority schools, integration prevents the educational harms for students enrolled in these schools and provides the opportunity to build understanding across racial lines.

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[97] Massey and Denton, *American Apartheid*

[98] Saporito and Sohoni, "Mapping Educational Inequality."

[99] A recent report from the United Nations Human Rights Commission also suggested that *de facto* school segregation could violate international human rights treaties to which the U.S. is a signatory. Matthew Samberg, "U.N. Criticizes Segregation in U.S. Schools; Supreme Court to Hear Cases Challenging Integration," *National Access*, 16 August 2006 at www.schoolfunding.info/news/litigation/8-16-06Unsegregation.php3 (accessed 29 September 2006).

Teacher Mobility and Quality

Research shows that teachers are more likely to leave segregated black and Latino schools, which results in higher teacher turnover at these schools. According to studies that investigate teacher turnover in segregated minority schools, race is the driving factor in predicting teacher mobility, more so than working conditions or student poverty.[100] White teachers – who comprise 85% of the teaching force – often transfer to schools with a lower minority percentage.[101] These patterns exist even when teacher salary is held constant.

The effects of these teacher trends have serious educational consequences for students at these schools because, as researchers and policymakers generally concur, teachers greatly influence student learning and teaching experience is critical to their effectiveness. A national report examining school quality concluded that "students learn more from teachers with strong academic skills and classroom teaching experience."[102] The

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[100] Benjamin Scafidi, David L. Sjoquist, and Todd Stinebrickner, "Race, Poverty, and Teacher Mobility," Working paper, Andrew Young School of Policy Studies Research Paper Series, Atlanta, Ga., August 2005; Susanna Loeb, Linda Darling-Hammond, and John Luczak, "How Teaching Conditions Predict Teacher Turnover in California Schools," *Peabody Journal of Education* 80, no. 3 (2005): 44-70.

[101] Hamilton Lankford, Susanna Loeb, and James Wyckoff, "Teacher Sorting and the Plight of Urban Schools: A Descriptive Analysis," *Educational Evaluation and Policy Analysis* 24, no. 1 (2002): 37-62; Susan Watson, *Recruiting and Retaining Teachers: Keys to Improving the Philadelphia Public Schools* (Philadelphia: Consortium for Policy Research in Education, 2001).

[102] Daniel Mayer, John Mullens, and Mary T. Moore, *Monitoring School Quality: An Indicators Report* (Washington, D.C.: U.S. Department of Education, National Center for Education Statistics, Office of Educational Research and Improvement, 2000): 5.

differential exposure of black students to novice teachers could be a factor contributing to the persistent achievement gap.[103]

The fact that it is harder for racially isolated minority schools to retain qualified teachers means that these schools disproportionately have teachers with lesser qualifications[104] or teachers who are unqualified. Research also reveals that black and Latino students, in particular, are taught by a greater proportion of new teachers,[105] teachers with fewer years of experience,[106] and go to schools that are characterized by instability and the

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[103] Charles Clotfelter, Helen Ladd, and Jacob Vigdor, "Who Teaches Whom? Race and the Distribution of Novice Teachers," *Economics of Education Review*, 24, no. 4 (August 2005): 377-92; Steven G. Rivkin, Eric A. Hanushek, and John F. Kain, "Teachers, Schools, and Academic Achievement," *Econometrica* 73, no. 2 (March 2005): 417-58.

[104] Camille E. Esch et al., *The Status of the Teaching Profession 2005* (Santa Cruz, Calif.: The Center for the Future of Teaching and Learning, 2005); Jennifer B. Presley, Bradford R. White, and Yuqin Gong, *Examining the Distribution and Impact of Teacher Quality in Illinois* (Edwardsville, Ill.: Illinois Education Research Council, 2005).

[105] Susanna Loeb and Michelle Reininger, *Public Policy and Teacher Labor Markets: What We Know and Why it Matters* (East Lansing, Mich.: The Education Policy Center at Michigan State Univ., 2004); Catherine Freeman, Benjamin Scafidi, and David Sjoquist, "Racial Segregation in Georgia Public Schools, 1994-2001: Trends, Causes and Impact on Teacher Quality," in *School Resegregation: Must the South Turn Back?* ed. John C. Boger and Gary Orfield (Chapel Hill, N.C.: Univ. of North Carolina Press, 2005): 148-63; Stephen J. Carroll et al., *The Distribution of Teachers among California's School Districts and Schools* (Santa Monica, Calif.: Rand Corporation, 2000).

[106] U.S. Department of Education, *Monitoring School Quality*; Clotfelter, Ladd, and Vigdor, "Who Teaches Whom?" 377-92; Rivkin, Hanushek, and Kain, "Teachers, Schools, and Academic Achievement," 417-58.

absence of viable learning communities, due at least in part to the higher teacher turnover rate.

Concentrated Educational Disadvantages

Research has consistently documented that schools with higher percentages of minority students tend to have fewer educational resources.[107] This relationship holds whether the resources are class size, facilities, or per-pupil spending.[108] Research suggests that curricular resources, including honors and AP courses, are not equally available for schools serving larger shares of minority students.[109] Students in segregated schools are also denied equal educational opportunity due to curricular tracking, impersonal counseling, and inadequate community outreach.[110] An

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[107] Meredith Phillips and Tiffani Chin, "School Inequality: What Do We Know?" in *Social Inequality*, ed. Kathryn Neckerman (New York: Russell Sage Foundation, 2004): 467-519.

[108] Harry Ashmore, *The Negro and the Schools* (Chapel Hill: Univ. of North Carolina Press, 1954); Juan Necochea and Cline Zulmara, "A Case Study Analysis of Within District School Funding Inequities," *Equity and Excellence in Education* 29, no. 2 (1996): 69-77; Lawrence Picus, "Estimating the Determinants of Pupil/Teacher Ratio: Evidence from the Schools and Staffing Survey," *Educational Considerations* 21 (1994): 44-55; The Education Trust, *The Funding Gap 2005: Low-Income and Minority Students Shortchanged by Most States* (Washington, D.C.: The Education Trust, Winter 2005).

[109] Ruth B. Ekstrom, Margaret E. Goertz, and Donald Rock, *Education and American Youth* (Philadelphia: The Falmer Press, 1988); Gamoran, "The Stratification of High School Learning Opportunities," 135-55; Jeannie Oakes, Adam Gamoran, and Reba N. Page, "Curriculum Differentiation: Opportunities, Outcomes, and Meanings," in *Handbook of Research on Curriculum*, ed. Philip W. Jackson (New York: MacMillan, 1992): 570-608.

[110] Gary Orfield, "A Secret Success: Racial Equity and Integration in Indiana Schools" in *Advances in Educational Policy*, vol. 3 ed. Kenneth Wong (Greenwich, Conn.: JAI Press, 1997): 225-48.

analysis of educational opportunity in California found that students in segregated black and Latino schools face multiple disadvantages concentrated in their schools, all of which can limit their access to higher educational opportunities.[111]

The larger community context of predominantly minority schools has a negative impact on the educational environment of these schools and can influence a broad range of educational factors such as whether teachers seek employment or whether parents will send their children to schools in these communities. Segregated minority schools are often located in the poorest neighborhoods and in areas with high crime rates, a more transient population, fewer employed residents, more vacant lots, and fewer institutional assets such as libraries.[112] Research also demonstrates that school staff in segregated communities tend not to be as responsive to community needs, promote lower expectations for students, and lack cultural or linguistic competence.[113]

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[111] John T. Yun and Jose F. Moreno, "College Access, K-12 Concentrated Disadvantage, and the Next 25 Years of Education Research," *Educational Researcher* 35, no. 1 (2006): 12-9. See also Jeannie Oakes et al., *Separate and Unequal 50 years after* Brown: *California's Racial "Opportunity Gap"* (Los Angeles: Institute for Democracy, Education, and Access, Univ. of California-Los Angeles, 2004).

[112] Ellen Goldring et al., "Schooling Closer to Home: Desegregation Policy and Neighborhood Contexts," *American Journal of Education* 112, no. 3 (2006): 335-62.

[113] Russell Rumberger and Patricia Gándara, "Seeking Equity in the Education of California's English Learners," *Teachers College Record*, 106, no. 10 (October 2004): 2039-56.

Peer Effects

The 1966 Coleman Report, which was titled *Equality of Educational Opportunity*, was the first large-scale, national statistical examination of schools of its kind, and had a major influence on how the nation and its policy-makers viewed resources that are important to student learning. This Congressionally mandated report found that the composition of a student's school peers had a substantial influence on his or her academic achievement.[114] Social science research continues to confirm the report's finding that one's peers matter for learning.[115]

A specific example of the importance of peers in affecting one's learning relates to non-English speakers learning English. Because Latino students live in predominantly segregated low-income neighborhoods where everyday activities are conducted in Spanish, they have limited exposure to English. This isolation has a direct impact on language acquisition because exposure to the target language is critical to proficiency.[116] Schools can be a place to provide Latino English Language Learners with

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[114] James Coleman et al., *Equality of Educational Opportunity* (Washington, D.C.: Government Printing Office, 1966).

[115] Donna R. Clasen and B. Bradford Brown, "The Multidimensionality of Peer Pressure in Adolescence," *Journal of Youth and Adolescence* 14, no. 6 (1985): 451-67; Laurence Steinberg, Stanford M. Dornbusch, and B. Bradford Brown, "Ethnic Differences in Adolescent Achievement: An Ecological Perspective," *American Psychologist* 47, no. 6 (1997): 723-29; Geoffrey D. Borman and N. Maritza Dowling, "Schools and Inequality: A Multilevel Analysis of Coleman's Equality of Educational Opportunity Data" (paper presented at annual meeting of the American Educational Research Association, Chicago, April 2003).

[116] Russell W. Rumberger, Patricia Gándara, and Barbara Merino, "Where California's English Learners Attend School and Why it Matters," *UC LMRI Newsletter* 15, no. 2 (Winter 2006): 1-2.

meaningful opportunities to interact with native English Language models as a first step toward the acquisition of English.[117]

One of the arguments for ending racial segregation has been the benefit of increasing the number of middle-class children in classrooms of black and Latino students, because evidence demonstrates that a classroom of students from middle-class families can increase the achievement of all students.[118] Because black and Latino students are more likely to attend schools of concentrated poverty than whites, racially segregated minority schools are less likely to have middle-class or wealthy students. This may occur because more middle-class children than poor children have been exposed to additional educational resources prior to and outside of school, teachers drawn to middle-class schools are more qualified and have higher expectations than those who teach at high-poverty schools, and the academic curriculum may be more challenging.[119] Of course, creating middle-class classrooms in itself would not likely produce

[117] M. Beatriz Arias, "School Desegregation, Linguistic Isolation and Access to English for Latino Students," *Journal on Educational Controversy* 2, no. 1 (January 2007).

[118] Rothstein, *Class and Schools*.

[119] Richard D. Kahlenberg, *All Together Now: Creating Middle-Class Schools through Public School Choice* (Washington, D.C.: The Brookings Institution Press, 2001); Russell W. Rumberger and Gregory J. Palardy, "Does Segregation Still Matter? The Impact of Student Composition on Academic Achievement in High School," *Teacher's College Record* 107, no. 9 (2005): 1999-2045; Hoxby, "Peer Effects in the Classroom;" Janet W. Schofield, "Ability Grouping, Composition Effects, and the Achievement Gap," in *Migration Background, Minority-Group Membership and Academic Achievement Research Evidence from Social, Educational, and Development Psychology*, ed. Janet W. Schofield (Berlin: Social Science Research Center Berlin, 2006): 67-95.

the same gains in cross-racial understanding that occur in classrooms with racially diverse peers.

Lower Educational Outcomes

Achievement

As a result of teacher and resource disparities – important educational conditions for student success – district and metropolitan area case studies examining segregated minority schools find lower achievement in these schools. A study of schools in metropolitan Boston, for example, shows that only 61 percent of tenth-grade students in high-poverty, high-minority schools passed the English/Language Arts graduation test in the 2002-03 school year compared to 96 percent of students attending low-minority, low-poverty schools.[120] A study of Florida districts found similar disparities in passage rates for graduation exams in segregated black schools compared with desegregated or racially isolated white schools.[121]

Studies conducted in one southern district indicate that the achievement of middle and high school students is related to the racial composition of schools they attended. These studies, which controlled for factors such as a student's family background, prior achievement, peer effects, and self-reported academic effort, indicated that

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[120] This conclusion is not surprising given that segregated minority schools in metropolitan Boston have higher levels of student poverty (97% of minority schools vs. 1% of segregated white schools), lower shares of certified teachers (78% in high poverty, minority schools vs. 94% in low poverty, white schools), lower test scores, and lower high school completion rates. Chungmei Lee, *Educational Outcomes in Metropolitan Boston* (Cambridge, Mass.: The Civil Rights Project, April 2004).

[121] Borman et al., "The Continuing Significance of Racial Segregation in Florida's Schools," 605-31.

the more time students spent in predominantly black elementary schools the lower their scores on statewide tests, their grade point averages, and their secondary track placements.[122] Across the state of North Carolina, 40 of the 44 lowest-performing high schools identified by a state court judge were predominantly nonwhite including 23 that were 80 to 100 percent nonwhite. These poorly performing schools were found to be so ineffective as to deny students their legal right to a sound, basic education. By contrast, none of the 44 highest performing schools was predominantly nonwhite.[123]

High School Graduation

Research shows that minority isolation remains a significant predictor of low graduation rates. This appears to be the case even after holding constant the effects of a variety of other school performance indicators.[124] This pattern also emerges when examining graduation rates for specific racial and ethnic groups: students from all minority groups graduate at significantly lower rates in highly isolated school systems. White students are also least likely to graduate when they attend school in racially segregated minority environments.[125]

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[122] Roslyn A. Mickelson, *Segregation and the SAT*, 67 Ohio St. L. J. 157 (2006); Mickelson, "Subverting Swann," 215-52.

[123] Howard E. Manning, "Letter Re: The High School Problem – Consequences," *Public School Forum of North Carolina*, 3 March 2006 at http://www.ncforum.org/resources/collateral/030306-MANNING%20OPINION%20re%20High%20Schools%20with%20charts%203_3_06.pdf (accessed 29 September 2006).

[124] Christopher B. Swanson, *Who Graduates? Who Doesn't? A Statistical Portrait of Public High School Graduation, Class of 2001* (Washington, D.C.: The Urban Institute, 2004).

[125] Christopher B. Swanson, *Who Graduates in the South?* (Washington, D.C.: The Urban Institute, 2005).

An examination of over 13,000 public high schools across the country in 2004 showed that schools with a higher concentration of blacks and Latinos tend to have lower "promoting power," which indicates the percentage of students who stay in school and are promoted each year from grades 9 to 12.[126] A majority of high schools whose student bodies are at least 90% nonwhite have low promoting power, meaning that less than 60% of their students graduate in four years.[127] Only 6% of majority white high schools have such low promoting power.[128] These findings suggest that if there were two high schools with identical resources, the school with a higher percentage of African American and/or Latino students is less likely to have on-time promotion, a likely indicator of graduation.[129] Students in predominantly minority schools are also less

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[126] Robert Balfanz and Thomas C. West, "Racial Isolation and High School Promoting Power," in *Graduation Gap Policy Brief* (Baltimore: Center for Social Organization of Schools, Johns Hopkins University, 2006). The study found that racial composition was a significant predictor after controlling for school resources (student-teacher ratio), free-lunch level, school size and urbanicity.

[127] Described as "dropout factories" in Robert Balfanz and Nettie Legters, "Locating the Dropout Crisis: Which High Schools Produce the Nation's Dropouts?" in *Dropouts in America: Confronting the Graduation Rate Crisis*, ed. Gary Orfield (Cambridge, Mass.: Harvard Education Press, 2004): 85-106. One-third of these dropout factories have students who are 90% nonwhite even though 90-100% nonwhite schools account for only 8% of schools analyzed.

[128] Balfanz and West, "Racial Isolation and High School Promoting Power."

[129] Similarly, a study of high schools in metropolitan Boston found that only 45 percent of students in high-poverty, high-minority schools graduate on time, compared to more than three-quarters of their peers in low-poverty, low-minority schools. Lee, *Educational Outcomes in Metropolitan Boston*.

likely to graduate from college, even after accounting for prior test scores and socioeconomic status.[130]

These findings have significant implications for the lives of minority students and the welfare of communities. Without a high school diploma, a student is unlikely to attend college and will have limited employment options.[131] The graduation rate for all students in highly segregated districts in 2002-03 was 56%, significantly lower than the national rate.[132] The economic health of cities, states, and the nation is threatened by the low level of education received by black, Latino, and Native American students, especially when only about half of these students graduate four years after entering.[133] Because of the growing number of minority students, if existing educational trends continue, the nation risks something it has never before seen: an intergenerational decline in its educational level, a threatening outcome in a knowledge-based economy.[134]

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[130] Eric M. Camburn, "College Completion among Students from High Schools Located in Large Metropolitan Areas," *American Journal of Education* 98, no. 4 (August 1990): 551-69.

[131] Haya Stier and Marta Tienda, *The Color of Opportunity: Pathways to Family, Welfare and Work* (Chicago: Univ. of Chicago Press, 2001); Alice O'Conner, Chris Tilly, and Lawrence D. Bobo, ed., *Urban Inequality: Evidence from Four Cities* (New York: Russell Sage, 2001).

[132] Editorial Projects in Education, *Diplomas Count: An Essential Guide to Graduation Policy and Rates* (Bethesda, Md.: Editorial Projects in Education, 2006).

[133] Gary Orfield, ed., *Dropouts in America: Confronting the Graduation Rate Crisis* (Cambridge, Mass.: Harvard Education Press, 2004).

[134] Recent studies indicate that the U.S. higher education system will not be producing graduates fast enough even to replace retirees, let alone to fill new jobs requiring college education. Anthony P. Carnevale, "Discounting Education's Value," *Chronicle of Higher Education*, 22 September 2006, B6-B9.

III. The Need for Race-Conscious Policies to Create Desegregated Schools.

Research indicates that race-conscious student assignment policies in schools may be necessary to obtain the educational and societal benefits of racial integration and to avoid the harms associated with racial isolation and resegregation. Studies have found that race-neutral policies are not as effective in attaining racial desegregation.

Race-Neutral Choice Policies

Research has shown that without the enforced regulation of desegregation court orders or guidelines designed to attain racial desegregation, the implementation of uncontrolled school choice plans tends to foster racially homogeneous schools[135] and lead to even greater segregation.[136] Experience both in Southern districts immediately after *Brown* and in a number of Northern districts that initiated "open enrollment" transfer programs showed that these programs generally did not desegregate black student

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[135] Janelle Scott, ed., *School Choice and Diversity: What the Evidence Says* (New York: Teachers College Press, 2005).

[136] See also Frankenberg and Lee, *Race in American Public Schools*; Martin Carnoy et al., *The Charter School Dust-Up: Examining the Evidence on Enrollment and Achievement* (New York: Economic Policy Institute & Teachers College Press, 2005). Research on international examples of school choice has also found in different contexts, educational choice produces stratification. See Edward B. Fiske and Helen Ladd, *When Schools Compete: A Cautionary Tale* (Washington, D.C.: Brookings Institution, 2000).

bodies or faculties and brought only a very small number of nonwhite students into white schools.[137]

Unmanaged choice plans are unsuccessful at achieving or maintaining racial diversity for a number of reasons. The concept of choice is based on the theory that everyone will be equally informed and effective in taking the steps needed to exercise choice. However, not all parents have access to the same kind or quality of information about new schools or existing schools. Because information on the comparative value of different educational options is unequally distributed, unrestricted choice plans tend to advantage parents with high educational attainment or more networks and contacts. These parents are more likely than other parents who do not possess this informational advantage to know about the range of choices that are available and to exercise their options.[138] Other socioeconomic factors can limit the actual choices families have when selecting schools, such as lack of transportation for students to attend the schools of their choice or working parents who are unable to leave work to visit schools.[139] Because white parents, on average, have

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[137] U.S. Commission on Civil Rights, *Southern School Desegregation, 1966-67* (Washington, D.C., July 1967). Ninety-eight percent of Southern blacks were confined to all black schools a decade after the *Brown* decision. See Gary Orfield, "The Evolution of Administrative Policy: from the Law to the Guidelines," ch. 2 in *The Reconstruction of Southern Education: The Schools and the 1964 Civil Rights Act* (New York: John Wiley, 1969).

[138] Bruce Fuller, Richard F. Elmore, and Gary Orfield, ed., *Who Chooses, Who Loses?: Culture, Institutions, and the Unequal Effects of School Choice* (New York: Teachers College Press, 1996).

[139] Amy Stuart Wells et al., "Charter Schools as a Postmodern Paradox: Rethinking Social Stratification in an Age of Deregulated School Choice," *Harvard Educational Review* 69, no. 2 (Summer 1999):

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more education and connection to higher-status networks, the difference between those who can choose and those who cannot is likely to further stratify schools on the basis of race. As a result of these dynamics, many schools that use unrestricted choice plans are segregated by race and socioeconomic status.[140]

Assignment policies that manage choices and consider race as a factor, on the other hand, tend to result in and sustain levels of racial diversity[141] that create a learning environment that can incorporate the benefits of racial integration to further the education of all students. Local educators, community leaders, and parents[142] often see

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172-204; Betsy Levin, "School Choice and Students with Disabilities," in *School Choice and Social Controversy*, ed. Stephen D. Sugarman and Frank R. Kemerer (Washington, D.C.: Brookings Institution Press, 1999): 266-99.

[140] Casey D. Cobb and Gene V. Glass, "Ethnic Segregation in Arizona Charter Schools," *Education Policy Analysis Archives* 7, no. 1 (Jan. 1999) at http://epaa.asu.edu/epaa/v7n1/ (accessed 29 September 2006); Erica Frankenberg and Chungmei Lee, "Charter Schools and Race: A Lost Opportunity for Integrated Education," *Education Policy Analysis Archives* 11, no. 32 (Sept 2003) at http://epaa.asu.edu/epaa/v11n32/ (accessed 29 September 2006).

[141] See Salvatore Saporito and Deenesh Sohoni, "Coloring Outside the Lines: Racial Segregation in Public Schools and Their Attendance Boundaries," *Sociology of Education* 79, no. 2 (April 2006): 81-105 (finding in a study of 22 major school districts that the implementation of free-market choice systems led to further race/ethnic stratification in all districts except those districts with some race-conscious plan in place).

[142] A survey of a random sample of 1204 parents in Louisville showed that 86% of parents in the system and 92% of African American parents said it was important "that schools have students from different races and backgrounds in the same school." Majorities also agreed that diversity would produce a "higher quality of education" for their own children. Significantly, parents also supported specific district mechanisms to create integrated schools while still giving them choices for their children. For example, over half of white parents and three

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these outcomes as a major benefit and such schools tend to be well accepted in communities.[143] A new study of race-conscious and race-neutral choice plans in San Diego, the nation's 8th largest district, found that the district's two choice programs with race-conscious mechanisms to encourage integration, including providing transportation to attend out-of-neighborhood schools, did more to integrate schools than did the open-enrollment choice program, which had no race-conscious aspect.[144]

Recent economic studies also suggest that denying parents and students their first-choice school may not have negative academic consequences for students. A study of a pure choice student assignment plan, for example, found that the ability of students to attend their first-choice school is not associated with academic gains, including test scores. This finding holds even when the first-choice schools have higher average test scores, suggesting that denying some students their first choice will not harm their academic outcomes.[145]

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fourths of black parents thought the district should "have guidelines to achieve racial balance." Thomas Wilkerson, *Student Assignment Survey: Summary of Findings* (Louisville, Ky.: Wilkerson & Associates, July 1996).

[143] *Teacher Opinions on Racial and Ethnic Diversity: Clark County School District, Nevada*, (Cambridge, Mass.: The Civil Rights Project, 2002); Bagnashi and Scheer, "Brown v. Board of Education."

[144] The study also found clear evidence of academic gains only in the race-conscious high school magnet programs and suggested a broader and more targeted magnet program. Julian R. Betts et al., *Does School Choice Work? Effects on Student Integration and Achievement* (San Francisco: Public Policy Inst. of California, August 2006).

[145] Justine Hastings, Thomas Kane, and Douglas Staiger, "Parental Preferences and School Competition: Evidence from a Public School Choice Program," Working paper, National Bureau of Economic Research, Inc., Cambridge, Mass., 2005; Julie B. Cullen, Brian A. Jacob,

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A widely implemented example of managed choice plans are magnet schools, which created hundreds of specialized and sometimes very popular schools offering programs and educational approaches that previously had not existed in the school districts.[146] Because magnet schools have desegregation as their mission, policies designed to explicitly consider race, and mechanisms like family outreach and free school transportation, they have increased the number of interracial schools in many districts[147] since they were first incorporated in desegregation plans in the mid-1970s. By 1991, there were more than 2,400 magnet schools enrolling about 1.2 million students concentrated in large urban districts. Many students had voluntarily transferred to these schools from outside the schools' neighborhoods. Further, there were more than 120,000 students on waiting lists.[148] Though magnets had only a modest impact on overall segregation levels, they demonstrate how choice can be compatible with desegregation.

Socioeconomic Status as a Race-Neutral Alternative

A few school districts have adopted socioeconomic plans that are designed, at least in part, to achieve racial

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and Steven Levitt, "The Effect of School Choice on Student Outcomes: Evidence from Randomized Lotteries," Working paper, National Bureau of Economic Research, Inc., Cambridge, Mass., 2003.

[146] Lauri Steel and Roger Levine, *Educational Innovation in Multiracial Contexts: The Growth of Magnet Schools in American Education* (Palo Alto, Calif.: American Institutes for Research, 1991): i-20.

[147] Amy G. Langenkamp, "Magnet Schools," in *Encyclopedia of Sociology*, ed. George Ritzer (Boston: Blackwell Publishers, in press).

[148] Steel and Levine, *The Growth of Magnet Schools in American Education*, i-20.

integration.[149] Social scientists have studied the impact of these plans to determine whether socioeconomic integration can lead to racial integration, and have concluded that plans based on class are not likely to produce racially integrated schools.

One of the main difficulties of designing a successful racial integration plan that uses the socioeconomic status of students is that the only measure of class that schools normally possess is whether a student receives a free lunch. This measure, however, is flawed. Free lunch eligibility is a dichotomous measure and is a weak classifier of individuals because it groups those who are from very different economic classes – students who are just above the poverty line and those who are highly affluent – in the same category and treats them identically under integration plans. Moreover, many eligible students do not apply for free lunch, particularly in high school, because of the stigma attached to the program or because they are immigrant students from undocumented families. Free lunch status is also a weak measure of socioeconomic status because it includes students who may be temporarily poor, such as children of highly educated new immigrants or graduate students, and does not account for wealth, which represents cumulative earnings.[150]

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[149] Cambridge, Massachusetts is also often mentioned as an example of using socioeconomic integration, and while their student assignment plan does include socioeconomic status as one factor, it retains race as a factor in assignments where significant resegregation appears and is not a pure race-neutral plan.

[150] Wealth is distributed even more unequally among racial groups than is income. Black wealth is, on average, 10 cents for every dollar of white wealth. On an individual basis, this wealth gap between black and white families has grown to be more than $80,000. See Thomas M.

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Moreover, while race and class are often strongly correlated, they are not perfectly correlated. Class-based solutions typically do not consider patterns of white resistance to living in minority neighborhoods, regardless of income level,[151] and are therefore unable to address the residential segregation that often fuels school segregation. Regardless of how class is measured, research demonstrates that black segregation is high across all socioeconomic levels.[152] Thus, it appears that residential segregation is driven by race,[153] and not by class or affordability,[154] and

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Shapiro, *The Hidden Cost of Being African-American* (New York: Oxford Univ. Press, 2004). Hispanic wealth is slightly higher, on average, than black wealth but is also much less than white wealth. Rakesh Kochhar, *The Wealth of Hispanic Households: 1996 to 2002* (Washington, D.C.: Pew Hispanic Center, October 2004). These data thus indicate that a measure of socioeconomic status relying solely on poverty status would reveal only a small part of a family's actual financial status. Although the available measures of class are flawed, obtaining a more complete measure would require intrusive questions about a family's financial situation.

[151] Camille Zubrinsky Charles, "Can We Live Together? Racial Preferences and Neighborhood Outcomes," in *The Geometry of Opportunity: Race and Housing Choice in Metropolitan America*, ed. Xavier de Souza Briggs (Washington, D.C.: Brookings Institution Press, 2005): 45-80.

[152] Douglas Massey and Nancy Denton, "Table 4.1," in *American Apartheid: Segregation and the Making of the Underclass* (Cambridge, Mass.: Harvard Univ. Press, 1993): 86; Joe T. Darden and Sameh H. Kamel, "Black Residential Segregation in the City and Suburbs of Detroit: Does Socioeconomic Status Matter?" *Journal of Urban Affairs* 22, no. 1 (2000): 1-13; John Iceland, Cicely Sharpe, and Erika Steinmetz, "U.S. Census Bureau Class Differences in African American Residential Patterns in U.S. Metropolitan Areas:1990-2000," *Social Science Research* 34, no. 1 (March 2005): 252-66.

[153] Because of this fact, neighborhood-based assignment plans are also likely to produce segregated schools.

[154] John Logan, *Separate and Unequal: The Neighborhood Gap for Blacks and Hispanics in Metropolitan America* (Albany, N.Y.: Lewis Mumford Center, Univ. of Albany, October 2002). The average

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that racial residential segregation is greater than income residential segregation.[155] This means that in segregated minority areas a policy might end up bringing together blacks or Latinos to create socioeconomic but not racial diversity in schools. Further, plans that use poverty as a criterion tend to exclude remedies for the minority middle class even though these individuals are often isolated, behind in achievement, and more exposed to negative peer groups and weak schools than middle-class whites.[156]

A statistical analysis investigating the racially integrative possibility of income-based integration plans in the nation's largest school districts found, in fact, that in the great majority of districts such a plan would leave schools racially segregated.[157] Analysis of data from 89 of the nation's 100 largest school districts found that relying on income as defined by student free lunch eligibility and assigning students within the district to approximate the percentage of a district's poor students in each school would have very little, if any, effect on racial integration. Only by collecting and using more specific data on income and including a much broader area than a single school

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neighborhood lived in by blacks in 2000 had a much lower median income, even among affluent blacks, than whites of similar income bracket, according to an analysis of the 2000 Census.

[155] Massey and Denton, *American Apartheid*.

[156] Mary Pattillo-McCoy, *Black Picket Fences: Privilege and Peril Among the Black Middle Class* (Chicago: Univ. of Chicago Press, 1999).

[157] Sean F. Reardon, John T. Yun, and Michal Kurlaender, "Implications of Income-Based School Assignment Policies for Racial School Segregation," *Educational Evaluation and Policy Analysis* 28, no. 1 (Spring 2006): 49-75.

district would there likely be any racial diversity.[158] Thus, while such plans might create economic diversity or other forms of diversity that may benefit students, they do not provide the specific benefits of racial integration.[159]

The sole example where socioeconomic diversity has created racial integration has been where dramatic economic differences exist between whites and nonwhites. Such a situation exists in Raleigh, North Carolina where extreme economic differences in a biracial community made income a better than normal proxy for race. The Wake County district adopted a policy in 2000 providing for integration on the basis of poverty and standardized test scores, and has had some significant success since its implementation. Wake County has a set of special conditions rarely found in major school districts: it is an overwhelmingly white district with only about a fourth of its students in poverty[160] with black students being about ten times as likely to be poor as white students. The district's prior history of racially desegregated schools and a commitment to preserve diversity along with strong district leadership combined to achieve significant success in its early years,[161] although there is growing political opposition

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[158] See Duncan Chaplin, "Estimating the Impact of Economic Integration of Schools on Racial Integration" in *Divided We Fail: Coming Together through Public School Choice*, ed. Century Foundation Task Force on the Common School Report (New York: The Century Foundation Press, 2002): 87-113.

[159] Reardon, Yun, and Kurlaender, "Implications of Income-Based School Assignment Policies for Racial School Segregation," 49-75.

[160] Wake County Public School System, "2005-2006 Student Enrollment – District Schools," <http://www.wcpss.net/demographics/quickfacts/05/sys-05.html> (accessed October 4, 2006).

[161] Susan Leigh Flinspach and Karen E. Banks, "Moving Beyond Race: Socioeconomic Diversity as a Race-Neutral Approach to Desegregation in

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and data that suggest a number of the schools are exceeding both the caps set for the percentage of students that are poor and that have low test scores.[162]

Experience of School Districts that Have Adopted Race-Neutral Policies

Recent research shows that districts formerly under desegregation orders that have eliminated the use of race in student assignments have experienced resegregation and its harmful effects in the few years since they were released from court orders and were declared "unitary."[163] This has been clearly demonstrated in the aftermath of dissolving plans in Charlotte and Denver, the two districts at issue in the Court's decisions in *Swann* and *Keyes v. School District No. 1*.[164] In addition, the effort in San Francisco to achieve racially integrated schools without the use of race-conscious policies has shown the limits of such policies in achieving racial integration.

These results are not surprising given that research had already documented similar patterns of resegregation and achievement declines for black students in Norfolk, Virginia, the first district to dissolve its desegregation plan

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the Wake County Schools," in *School Resegregation: Must the South Turn Back?*, ed. John C. Boger and Gary Orfield (Chapel Hill, N.C.: Univ. of North Carolina Press, 2005): 261-80.

[162] Gerald Grant, *Hope and Despair in the American City* (Cambridge, Mass.: Harvard Univ. Press, forthcoming); Todd Silberman, "Wake Schools Find Diversity Hard to Maintain," *Raleigh News and Observer*, 11 June 2006.

[163] See Orfield and Lee, *Racial Transformation*.

[164] 413 U.S. 189 (1973).

in 1986,[165] and in Oklahoma City, where ten elementary schools became at least 90% black after the district was declared unitary. Further, a report found that Oklahoma City's claims of increased parental involvement and achievement gains that would result from an end of desegregation were questionable.[166]

Charlotte

From 1971 to 2002, the Charlotte-Mecklenburg Schools (CMS) grappled with the mandate of the *Swann* decision to desegregate their schools. During the early 1980s, only 5% of black students in CMS attended racially imbalanced schools, though this percentage rose substantially as CMS limited busing in favor of voluntary magnet plans.[167] In August 2002, after the district was declared unitary, CMS implemented a race-neutral neighborhood-based, limited choice student assignment plan.[168] Shortly thereafter, a majority of CMS schools began to experience

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[165] Vivian Ikpa, "The Effects of Changes in School Characteristics Resulting from the Elimination of the Policy of Mandated Busing for Integration upon the Academic Achievement of African-American Students," *Educational Research Quarterly* 17, no. 1 (1994): 19-29.

[166] Jennifer Jellison, *Resegregation and Equity in Oklahoma City* (Cambridge, Mass: The Harvard Project on School Desegregation, 1996).

[167] Roslyn A. Mickelson, *The Academic Consequences of Desegregation and Segregation: Evidence from the Charlotte-Mecklenburg Schools*, 81 N.C. L.Rev. 1513, 1543 (2003).

[168] Roslyn Mickelson, "Are Choice, Diversity, Equity, and Excellence Possible? Early Evidence from Post-Swann Charlotte-Mecklenburg Schools, 2002-2004," in *School Choice and Diversity: What the Evidence Says*, ed. Janelle Scott (New York: Teachers College Press, 2005): 129-44.

racial resegregation.[169] After two years, 22.6% fewer elementary schools, 7.4% fewer middle schools, and 20.6% fewer high schools were racially integrated compared to the last year that the district was under the Court order in *Swann*.[170] The student assignment plan permitted increased socioeconomic and racial stratification of students, which amplified differences in math and reading test scores of 3rd through 8th graders from different racial, ethnic, and socioeconomic backgrounds.[171] The experience in Charlotte corroborates other research demonstrating that race-neutral neighborhood/choice plans lead to segregation, which can have tangible consequences, particularly regarding student achievement.[172]

Denver

In 1995, the Denver School District ended its use of race in making student assignment decisions. Almost immediately, about half of the district's schools experienced moderate or substantial changes in the racial and

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[169] In the year following the end of the desegregation plan, the percentage of black students in racially isolated black schools jumped eleven percentage points. Mickelson, *The Academic Consequences of Desegregation and Segregation*.

[170] Roslyn A. Mickelson and Stephanie Southworth, "When Opting-Out is Not a Choice; Implications for NCLB from Charlotte, North Carolina," *Equity & Excellence in Education* 38, no. 3 (2005): 1-15.

[171] R. Kenneth Godwin et al., "Sinking Swann: Public School Choice and the Resegregation of Charlotte Schools," *Review of Policy Research* 23, no. 5 (2006): 983-97.

[172] Fuller, Elmore, and Orfield, ed., *Who Chooses, Who Loses?; The Socioeconomic Composition of the Public Schools: A Crucial Consideration in Student Assignment Policy* (Chapel Hill, N.C.: Univ. of North Carolina Center for Civil Rights, January 2005).

ethnic composition of the schools.[173] Despite a decreased overall percentage of white students in Denver's public schools, the number of racially isolated white schools actually increased. By 2003, 84% of Latinos and 74% of blacks were in schools that had less than 30% white students.[174] Both black and Latino achievement, on average, declined in schools that became increasingly minority concentrated in comparison to racially stable schools or schools with rising white enrollment. This pattern was more pronounced for Latino students.[175]

San Francisco

In 1999, San Francisco school authorities entered into a consent decree that governed the district's student assignment policies. The decree eliminated the use of race and adopted an index that considered non-racial factors in student assignment decisions such as socioeconomic status, academic achievement, English-language learner status, mother's educational background, academic performance at prior school, home language, and geographic areas. Analyses of district data suggest that the district's race-neutral student assignment policies were unsuccessful for maintaining racial integration, particularly at the elementary school level. The state monitor found that under the new index racial resegregation accelerated,[176]

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[173] Horn and Kurlaender, *The End of Keyes*.

[174] Chungmei Lee, *Denver Public Schools. Resegregation, Latino Style* (Cambridge, Mass.: Civil Rights Project, January 2006).

[175] Horn and Kurlaender, *The End of Keyes*.

[176] Stuart Biegel, "Annual Report No. 22 of the Consent Decree Monitor, 2004-2005" submitted in *San Francisco NAACP v. San Francisco Unified Sch. Dist.*, No. C-78 1445 (N.D. Cal. Aug. 1, 2005).

and the schools that were considered to be "highly diverse" under the index were actually among the least diverse along racial lines.[177] The reports also found a connection between resegregation and a concurrent increase in the number of schools scoring at the lowest level on the state's Academic Performance Index.[178]

Conclusion

The research summarized here fully supports the educational judgments by the local education authorities in the Jefferson County and Seattle school districts to promote racial integration and prevent racial isolation through choice-based policies that consider race as a factor. Ideally, as social scientists and the Court have noted, we will reach a point where race no longer matters in the life opportunities of American children, but until that time comes, race-conscious policies such as the ones in Seattle and Jefferson County are critically needed.

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[177] Stuart Biegel, "Supplemental Report by the Consent Decree Monitoring Team Regarding The Achievement Gap and Related Issues in the San Francisco Unified School District," submitted in *San Francisco NAACP v. San Francisco Unified Sch. Dist.*, No. C-78 1445 (N.D. Cal. Mar. 12, 2004). See also William T. Trent, "The Effect of School Racial Composition on Student Outcomes in the San Francisco Unified School District" (Dec. 2005) (unpublished report, on file with San Francisco Unified School District).

[178] Stuart Biegel, "The Report of the Consent Decree Monitoring Team, Report No. 20, 2002-2003," submitted in *San Francisco NAACP v. San Francisco Unified Sch. Dist.*, No. C-78 1445 (N.D. Cal. July 31, 2003). See also Trent, "The Effect of School Racial Composition" (finding an association between minority concentration and the test scores of African Americans and Latinos, even after controlling for other factors that might influence student achievement).

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Jennifer Jellison Holme, University of Texas, Austin
Catherine Horn, University of Houston
Ernest House, University of Colorado, Boulder
Lea Hubbard, University of San Diego
Evelyn Hu-DeHart, Brown University
Darnell Hunt, University of California, Los Angeles
David Hursh, University of Rochester
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Nongnuch Inpanbutr, Ohio State University
Benita Jackson, Smith College
Tara Jackson, University of Pennsylvania
Hasan Kwame Jeffries, Ohio State University
J. Craig Jenkins, Ohio State University
Laura Dudley Jenkins, University of Cincinnati
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Michael Jones-Correa, Cornell University
Carl Kaestle, Brown University
Joseph Kahne, Mills College
Cheryl Kaiser, University of Washington
Jerome Karabel, University of California, Berkeley
David Karen, Bryn Mawr College
Anna Karpathakis, Kingsborough Community College,
City University of New York
Sidney Kasfir, Emory University
Philip Kasinitz, City University of New York,
Graduate Center
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Verna Keith, Florida State University

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Peter Killoran, University of Wisconsin, Whitewater
Keith Kilty, Ohio State University
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Kiljoong Kim, DePaul University
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Michal Kurlaender, University of California, Davis
Ruthanne Kurth-Schai, Macalester College
Karyn Lacy, University of Michigan
Scott Lacy, Emory University
Armando Laguardia, Washington State University,
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Michèle Lamont, Harvard University
Lynette Land, University of Utah
Chungmei Lee, Harvard University
Jaekyung Lee, State University of New York, Buffalo
Taeku Lee, University of California, Berkeley
Valerie Lee, University of Michigan
Anthony Lemelle, City University of New York,
John Jay College
Rhonda Levine, Colgate University
George Levinger, University of Massachusetts, Amherst
Amanda Lewis, University of Illinois, Chicago

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Robert Livingston, University of Wisconsin, Madison
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John Logan, Brown University
Bridget Terry Long, Harvard University
Mark Long, University of Washington
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Christopher MacDonald-Dennis, Bryn Mawr College
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